

New Civil Government





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UNITED STATES OF AMERICA.

THE
CIVIL GOVERNMENT

OF THE
UNITED STATES.

A TEXT-BOOK,

FOR THE USE OF

ALL SCHOOLS IN WHICH THE SUBJECT IS TAUGHT,

AND A

BOOK OF REFERENCE.

By Asahel Norton Foster

REVISED.

WILLIAMS & ROGERS, PUBLISHERS.

ROCHESTER, N. Y.

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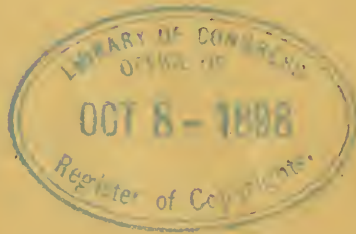
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PREFACE.

A new educational work, should, in itself, plainly indicate the excuse for its existence. Especially is this true of a text-book upon Civil Government, since the subject has been already so well treated in the various works now in daily use.

Probably no one at this time doubts the propriety of giving the study of Civil Government a prominent place in our schools. Some of the pupils in the school rooms to-day will, in a few years, be occupying public positions of responsibility and power; and while these may be comparatively few in number, yet in this country every citizen has political duties to perform, and should therefore be familiar with the plan and workings of the government which imposes them. Hence it remains only a question as to the manner in which the subject may be most effectively presented for the purposes of instruction.

Those who, as teachers, have heard their classes in Civil Government complain that the subject was dry and uninteresting, need only consult their own recollections to know the justice of such complaints. It certainly is not possible to invest the subject with the charms of romance, or give it the thrilling interest of a History of the Crusades or the Conquest of Mexico. But it has seemed possible for a text-book upon Civil Government to be made so readable that it will invite and hold the attention of the pupil, instead of being the passive object of compulsory study. To accomplish this has been the aim in the preparation of this work.

Our government being representative, the popular will controls, through these channels of representation, the intermediate political subdivisions, and finally asserts itself in the power of the Federal Government. It seems, therefore, that the study of this subject in its natural order should commence with the

township, and follow the principle of representation to its widest application. This method has been pursued in this work.

It is impossible, within the limits of a work of this kind, to enter into the details of all the peculiarities arising under the constitutions and laws of the different States, although much attention is given to those branches of the subject. It is presumed, however, in all cases, that the teacher will be familiar with the organization and government of his own State and its subdivisions, and these should be considered in connection with the text, the resemblances noted, and the differences particularly pointed out. In this connection particular attention is called to the tables of the appendix, which are especially designed to stimulate inquiry and comparison.

One of the chief means employed in this attempt to make a readable book is simplicity—simplicity both in manner and diction. And this quality, it is believed, will do much toward making the work useful in instruction and attractive in study.

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CIVIL GOVERNMENT OF THE UNITED STATES.

FIRST LESSON.

GOVERNMENT IN GENERAL.

I. ILLUSTRATION. When the white men first penetrated the wilderness west of the Hudson River, they found the country peopled by warlike savages, who apparently gave little heed to the authority of their chiefs. But upon fuller acquaintance with them, it was discovered that they were bound together in a strong organization, that came to be known as the Great Iroquois League. When first known this league comprised five different branches or nations of the Indian race; but afterward it absorbed a sixth nation, and hence is generally referred to as the Six Nations. Each one of these nations was made up of a number of tribes, each with its own chief or sachem. There were fifty of these sachems, all equal in rank and authority, and they met together in councils to regulate the affairs of the League. One council was called a Civil Council, and transacted all business growing out of their relations with other tribes; another was called a Mourning Council, and assembled at the death of a chief to install his successor; while a third, or Religious Council, had charge of all religious observances. These laws and customs were so old that the people themselves had no tradition of a time when they did not exist.

This was *government*. The League itself was a *government*. Each nation was a *government*, and so indeed was each tribe.

These Six Nations bore nearly the same relation to each other, and to the League, as do our States to each other and the National Government. It has even been suggested that this fact may have given the idea of our government to its founders.

II. DEFINITIONS. The word *government*, in its largest use, means the exercise of authority. We shall use it, however, in its political sense only, as the organized power by which a state or nation is ruled.

The word *civil* is derived from the Latin word *civis*, meaning citizen; hence, *civil government* is the power that regulates the rights and duties of citizens toward each other and toward the government itself.

The *political body* and *body politic* are terms applied to the whole body of people united under one government.

III. ORIGIN OF GOVERNMENT. The gods of the ancients represented their ideas of supreme authority. The idols of the heathen possess for them the highest administering power. And the people of many nations worship one Supreme Being, who is vested with absolute control. The chief quality ascribed to all these objects of worship is government. It is impossible to imagine a state of existence earlier than the Infinite Ruler. It is impossible, therefore, to antedate *divine* government. But who first thought of *human* government? How did the body politic originate? are questions which naturally arise in the study of government. Monarchs were not born monarchs, but were crowned. Presidents were not born presidents, but were elected. All men alike come into the world helpless and possessed of no authority. Who, then, first gave to anyone the right to rule over his fellow men? Different men have answered this question by advancing different theories, viz.:

1. The Theory of Divine Right—that God directly authorized government, by giving to the head of the family, not only the authority of the father over his own children, but also the power of a religious teacher and civil ruler over all of his descendants.

2. The Theory of Force—that government simply had its origin in the natural tendency of the strong to control the weak.

3. The Theory of Sociability—that men's social natures fitted them to live in communities, and they soon discovered

that there would be endless strife and confusion, unless there existed a supreme power to regulate their intercourse with each other.

IV. NECESSITY OF GOVERNMENT. Man is a social being; his desire is to dwell in communities; and few races have ever existed so low in the scale of humanity that they cannot be said to have thus lived. But man is also selfish by nature; the vicious and depraved are found in every community; and were it not for the iron hand of the law to hold them in check, no man would be safe either in person or property. The strong would oppress the weak; right and justice would yield to might and cunning; and crime could receive no punishment except through personal revenge.

There must, therefore, be laws to regulate the relations between man and his fellow-men; and there must be a power strong enough to make, execute and enforce these laws. This power is *government*.

V. OBJECTS OF GOVERNMENT. All government has three objects:

1. To protect from enemies without.
2. To establish justice within.
3. To promote the general welfare.

The accomplishment of the first aim is essential to the self-preservation of the body politic. This necessity has been recognized by all governments, and, up to this time, military organization has been the chief means depended upon. As civilization progresses, however, war is giving place to treaties and courts of arbitration, as more humane methods of maintaining justice among nations.

The second aim involves the protection of each citizen in the exercise of his natural rights to "life, liberty, and the pursuit of happiness." This second task, also, has been undertaken, to a greater or less extent, by all governments. Courts of justice are a typical means for its accomplishment.

To attain the third object the government must create those conditions and offer those opportunities which will make it possible for the greatest number of its citizens to enjoy most

freely the natural rights above mentioned. This last object has not always been consciously striven after by governments, but every day it is coming to be more clearly recognized, which is shown by the various means adopted by all the more advanced governments to promote the welfare of their people. Among these means there are none more important than free educational opportunities.

VI. DEPARTMENTS OF GOVERNMENT. The entire work of government is accomplished through the exercise of three powers:

1. LEGISLATIVE, or law-making.
2. EXECUTIVE, or law-enforcing.
3. JUDICIAL, or law-interpreting.

These three powers may all be exercised by one individual or body of individuals, or they may be distributed among different ones, thus forming the several departments of government. Experience has shown that no one person or body of persons can make, execute and interpret the laws of a people, without sinking the government into tyranny and misrule. It follows, then, that the distribution of these powers marks a high point in the course of political advancement; and in fact, wherever this division has been carried out, there the greatest measure of liberty and prosperity has existed. However, human ingenuity has thus far never been able to wholly separate the exercise of these powers; and it is generally believed that a free government requires a sufficient intermingling of the departments for each to act as a check on the others, without ever being a hindrance to the exercise of lawful powers.

SECOND LESSON.

FORMS OF GOVERNMENT.

I. CLASSIFICATION. With few exceptions, political writers have agreed in placing all forms of government under three general classes, viz.:

1. MONARCHY, or government by one individual.
2. ARISTOCRACY, or government by a few select individuals.
3. DEMOCRACY, or government by the people.

Aside from those governments which are purely monarchical, aristocratic or democratic, many varieties of government have existed; some of them combinations of two, or even all, these classes, others modifications of one or more of them. But all are capable of being reduced to these three classes, according to the leading feature of each.

II. MONARCHY (from the Greek words *monos*, alone, and *archo*, to govern).

DEFINITION.—A *monarchy* is that form of government in which one person exercises the supreme authority of the land. He is sole ruler of the people. His title in general is *monarch*, though in different countries he is called *king*, *prince*, *sultan*, *czar*, *khan*, *amir*, or other title significant of his position, as sole ruler.

KINDS OF MONARCHIES.

1. Absolute Monarchy.—Monarchies are *absolute* or *limited*, according to the extent of power vested in the ruler. An *absolute monarchy* is one in which the ruler has unlimited power. There is no person, law or constitution to restrain him. He makes and enforces the laws according to his own personal wishes. The property, liberty and life of every subject are at his disposal, while he himself is accountable to no earthly authority. But although there is no legal power to limit his acts, the fear of personal violence and of revolution in many cases holds in check his lawless desires, and to a cer-

tain extent protects the rights of the people. Russia and Turkey are examples of absolute monarchies.

2. Despotism.—The word *despot* originally meant the ruler of any absolute monarchy; but it has come to be applied to such a ruler only when he exercises his authority in a cruel manner, without regard to the laws of justice or humanity. An absolute monarchy thus governed is called an *absolute despotism*; and few indeed are the absolute monarchies that do not sooner or later degenerate into this form. China, Persia, Morocco, Abyssinia, and many other Oriental governments, are absolute despotisms.

3. Limited Monarchy.—In a *limited monarchy*, the power of the chief ruler is limited by law or law-making bodies. The monarch himself does not make the laws; he is the executive who enforces them after they are enacted by the law-making body of the government. In order to make these laws valid, his assent is necessary, but it is almost never withheld. He is himself as amenable to the laws of the country as is his meanest subject.

By far the greater proportion of the important monarchies of the present age are limited. Great Britain, the German Empire, Spain, Italy and Japan are prominent among them.

4. Hereditary Monarchy.—With reference to the source whence comes the monarch's title to his throne, monarchies are *hereditary* or *elective*. A *hereditary monarchy* is one in which the title and office descend from the monarch to his successor by right of birth. The eldest son almost universally succeeds the father to the exclusion of all elder sisters. The people themselves have no choice as to who shall be their ruler. Most of the monarchies of the world have been hereditary.

5. Elective Monarchy.—A monarchy is *elective* when its monarch is chosen for life by the people or their representatives. The few such monarchies which have existed were disturbed by continual feud and contention.

6. Patriarchy (from *pater*, father, and *archo*, to govern).—This is the oldest known form of human government, and the only form which existed before the flood, and until several cen-

turies thereafter. It is the government of the father over his family and descendants, and includes princely as well as paternal authority. The patriarch has absolute power over his descendants, their flocks and herds and houses, their liberty and lives. This form of government has existed only where the people lived in families or tribes, independent of other families and tribes. Abraham, Isaac and Jacob were patriarchal rulers. It is still in existence among some of the Oriental and African tribes, and even among the North American Indians.

7. Theocracy (from *theos*, God, and *krateo*, to govern).—Literally, a government by the Supreme Being. It is monarchical in form, and God is held to be the sole ruler administering the affairs of the nation. The laws of the land are divine commands, given directly by Him. The members of the priesthood act as agents of the Invisible Ruler, interpreting His will to the people.

The most famous theocracy of history is that established by Moses over the Israelites, and by which they were governed for several centuries.

III. ARISTOCRACY (from *aristos*, best, and *krateo*, to govern).

The word *aristocracy*, as its derivation implies, originally meant government by the best or noblest. In an aristocracy, the supreme power is vested in a select body of men, privileged on account of rank and wealth. They either inherit the office or are appointed to it. Aristocratic governments are usually short lived. A number of men holding equally the supreme power in their hands grow jealous of one another, and fearful lest some one of them obtain the controlling influence. This naturally results in the overthrow of such a government.

The several republics of Greece were at the outset aristocratic governments. Venice and Genoa were also at one time aristocracies, the former having been the most prosperous and long-lived government of its kind known to history.

The term *aristocracy* is also applied to the nobility of monarchical governments, the titled class above the common people; for example, the dukes, marquises, earls, viscounts and barons of England.

IV. DEMOCRACY (from *demos*, the people, and *krateo*, to govern).

DEFINITION.—A *democracy* is a government administered by the people themselves. They hold the supreme authority in their own hands, and exercise it directly.

KINDS OF DEMOCRACIES.

1. Pure or Absolute Democracy.—In a *pure democracy*, all the people, that is, all the qualified voters, meet together in one body to make the laws. It is evident that this theory of government is the only true one. The people who own the property of a country, by whose labor the government is supported, and who themselves constitute the nation, surely possess the right of making the laws which affect only themselves, their families and their property. But it will also readily be seen that the people of a large and populous country can in no way meet together whenever a measure of government is to be acted upon. In practice this method of government is only possible for political units small in population and territory. Good illustrations of pure democracy are found in the government of ancient Athens and in that of a New England town.

2. Representative Democracy or Republic.—There is one way, however, in which great nations govern themselves according to democratic principles, and still avoid the disadvantages of a pure democracy. It is by *representation*. The people choose representatives at stated times, to act as agents for them in making and executing their laws. These representatives must carry out the wishes of the people they represent, or give place to others who are willing to execute the popular will; so that the laws of the country are in reality as much the laws of the people as though made directly by them. Representatives who must thus render account of their conduct to others act with much more discretion than they would in the assemblies of a pure democracy, where they are responsible to none but themselves. Representative bodies are also small, as compared with the whole body of people, and can therefore more thoroughly discuss all questions coming before them, and give more careful decisions.

A representative democracy is always called a *republic*; and a study of the history of different nations proves the United States to have more nearly approached a perfect government than any other nation. More than twenty of the principal nations of the world are to-day republics. France and Switzerland are governed after this manner. With very few exceptions, the countries of North and South America are republics; and this form of government steadily gains in popularity as the people of the world advance in civilization and education.

V. OUR GOVERNMENT. Most of the governments of the world have been the result of accident; ours is the result of forethought and design. It was founded by men who had grown wise through the experience of years of tyranny and war, and whose only aim was to secure to the people the largest measure of liberty and happiness.

The government of the United States of America is republican—the most thoroughly representative democracy in existence. Not only the Nation, but each State of the Union, is a republic; so that the people of the States are everywhere under two governments, that of a republic within a republic. These two governments in no wise conflict, for the National Government has supreme authority over all matters which concern the people of the nation as a whole, and which are embodied in the written set of laws called our National Constitution; while in all other matters the States have supreme power, and the National Government cannot interfere with them. Thus it will be seen that the two governments are entirely independent of each other when each is acting in its own proper sphere. But any law made by any State in opposition to the laws of the Nation is void; and whenever there is a question of supremacy between the two relative to the affairs of the general government, the States must yield to the Nation.

This method of government has so well realized the object of its founders, that we, the people of to-day, governed according to this system, which they prescribed more than a hundred years ago, count ourselves the freest, happiest and most prosperous people on the earth; while the poor and oppressed from many other nations flock to our shores, in search of that liberty and protection of rights which can nowhere else be found.

COLONIAL GOVERNMENT.

THIRD LESSON.

THE THREE FORMS OF GOVERNMENT.

I. SETTLEMENT OF AMERICA. The early explorers of America, upon returning to their homes in Europe, told marvelous stories of the wealth of the newly-discovered world. Some of them reported the existence of rivers whose sands sparkled with gold and precious stones; others said they had heard of regions where the mountains were filled with diamonds and mines of silver and gold; and still others reported that the natives along the coast had told them of countries inland, whose people wore ornaments of gold and silver so heavy that their weight could scarcely be borne. They also told of fertile lands, of fur-bearing animals, of valuable timber, and various other sources of wealth. These stories aroused the greed of the rulers of Europe, and made each one eager to possess all the territory possible in America, and at the same time prevent the other nations from gaining possessions there. In consequence there was constant contention among them over their claims in the New World.

Great Britain, France and Spain gained the strongest footholds, while Holland acquired some important sections. The possessions of the French comprised the basins of the Mississippi and St. Lawrence Rivers; Spain claimed Florida and the country lying to the westward; and the Dutch at different times held New York, New Jersey and Delaware. English colonies were established all along the Atlantic coast, from Nova Scotia to Florida, which, though feeble at first, grew to be strong and flourishing. In course of time England acquired all the possessions of the Dutch, and engaged in a war with France over the same question of territory. This was the

bloody "French and Indian War," and was waged between England and her American colonies on the one side, and France and her American colonies, aided largely by friendly Indians, on the other. In this war England was victorious and drove the French completely from their possessions in America. At the same time Florida was ceded to England by Spain, and thus Great Britain came into control of Canada and the whole region of country lying between the Mississippi and the Atlantic.

II. GOVERNMENT OF COLONIES. When an uninhabited country, or a country occupied by savages, is colonized by civilized people, these colonists carry with them the laws of the land whence they come, and remain subject to its government. True to this doctrine, the English colonies in America, as also those conquered by England, remained for many years subject to the government of Great Britain. But as they were so far removed from the mother country, a local government was also necessary. This, as a matter of course, was modeled after the government of England; but it differed greatly in the different colonies. There were three distinct forms, viz.: *Provincial* or *Royal*, *Proprietary*, and *Charter*.

1. Provincial or Royal Government.—The *Provincial Government* was under the direct control of the sovereign of Great Britain. A governor was appointed by him, who acted merely as his representative, obeying all the royal commands.

A council, consisting of a small number of men, was also appointed by the king to assist the governor in performing his duties. This council constituted the upper house of a legislature, whose lower house was composed of representatives elected by the freeholders or planters of the colony. This legislature could make local laws for the colony, provided they did not conflict with any of the laws of Great Britain; but they must first be approved by the governor, and then sent to England and approved by the king, before becoming valid.

The judges, magistrates, and all other officials who had part in executing and enforcing the laws, were appointed by the governor, subject to the approval of the king.

At the commencement of the American Revolution, the

colonies of New York, New Hampshire, Virginia, New Jersey, North Carolina, South Carolina and Georgia had Provincial Governments.

2. Proprietary Government.—Under the *Proprietary Government*, the king, instead of directly exercising the controlling power, gave it, together with a title to the soil, into the hands of certain persons, who thus became owners or *proprietaries*. These proprietaries were thus invested with kingly power. They appointed the governors and other officials and organized the legislatures, while the people themselves held about the same political rights as under the Provincial Governments.

At the time of the Revolution three of the thirteen colonies were under Proprietary Government. Pennsylvania and Delaware were held by William Penn as proprietary, and Maryland by Lord Baltimore.

3. Charter Government.—Under the *Charter Government* the people enjoyed more political privileges than under either of the other forms. It was founded upon democratic principles and resembled our State governments. The land, and the right to govern themselves, were granted to the people of the colony by a charter from the English crown. This charter divided the government into the three departments, legislative, executive and judicial, naming the powers of each, and setting forth the rights and privileges of the people. The members of the legislature and the governor were elected by the people, while the other officers were elected likewise or appointed by the proper colonial authorities.

Massachusetts, Rhode Island and Connecticut had Charter Governments at the time of the Revolution, and the Charters of Connecticut and Rhode Island proved so satisfactory that these States carried on their governments under them for many years after becoming States of the Union.

4. Supremacy of English Government.—It will readily be seen that under these forms of colonial government the people enjoyed many political privileges, and appeared to hold much of the supreme power. It was an appearance only.

The government of Great Britain retained, in fact, the absolute control of every colony. It claimed the power of annulling any law passed by the colonial legislatures; it claimed the right of changing the form of government of any colony at any time; and it claimed the privilege of enforcing in the colonies all the laws passed by the English Parliament.

By exercising this authority in a tyrannical manner for many years, England caused her American colonies to rise up in rebellion against her, to proclaim their independence, and to establish it by the War of the Revolution.

FOURTH LESSON.

CAUSES OF THE REVOLUTION.

1. REMOTE CAUSES.

1. Influence of France.—After her defeat in America by the English, France sympathized strongly with the enemies of England, and both encouraged and aided the colonists in opposing British rule.

2. Character of Colonists.—The rulers of Europe, together with their titled and wealthy subjects, sought only to gain greater wealth and glory from the resources of the New World. But most of the people who came to colonize this wild country, came with far different motives. They were fleeing from the tyranny of home governments and seeking for liberty and happiness. They were stern and hardy in character, and filled with such hatred of all forms of tyranny, that they chose the hardships and dangers of a wilderness inhabited by savages, rather than longer live under cruel laws and law-makers. The first generation of settlers passed away, but not the hatred of tyranny. That descended from father to son, and was constantly increased by the new arrivals from the Old World.

3. Growth of Public Opinion.—After the Mayflower anchored in Cape Cod Bay, the people on board signed a written compact, by which they agreed to unite in making laws and governing themselves according to the needs of their colony. This compact contained all the principles of self-government; and from this time on there was an almost continual struggle between the colonists and the royal authority, growing out of the attempts of the former to uphold these principles and the efforts of the latter to crush them. Thus, from the first, public opinion steadily advanced in the direction of independence.

4. Character of George III.—This monarch of Great Britain, during whose reign occurred the Revolution, was des-

potic in character, and unwilling to respect those rights and privileges to which the colonists, as British subjects, were entitled.

II. IMMEDIATE CAUSES.

1. Navigation Acts.—In 1651 the English government passed an Act requiring all the commerce of the colonies with England to be carried on by means of English ships. Afterward another Act was passed, providing that merchandise imported into the colonies from any country whatever should be brought in English vessels; while later on another measure declared that all foreign goods must be shipped to the colonies from British ports only. Thus were the harbors of the colonies closed against all foreign vessels.

Certain articles which no country but America produced in quantities, and which did not therefore compete with English productions, were required to be shipped to English ports only; but such other commodities as England would not take the colonists might send to foreign markets. In the course of time other measures of similar nature were enacted, until American commerce was nearly destroyed and England had the monopoly of colonial trade. But what the American subject lost the British merchant gained, and England's aim was accomplished.

2. Laws in Restraint of American Manufactures.—Parliament enacted laws forbidding the exportation of yarn and woolen manufactures from the colonies to any place whatever, in order to keep the markets open for English goods. Hats could be manufactured in but small quantities by the colonists, and only for home use. No iron works could be erected or steel manufactured, but all such goods must be purchased of England.

3. Importation Act.—Heavy duties were imposed upon all rum, sugar and molasses imported into the colonies from foreign ports, in order to compel their purchase of British merchants. Afterward the Sugar Act added to this list coffee, wines and other goods.

4. Writs of Assistance.—These were general search-war-

rants, giving the officers of the crown power to break open and search vessels, stores, private houses or any other place, in search of smuggled goods. They also empowered the royal officials to compel the assistance of any person in these searches.

5. Taxation without Representation.—At the close of the French and Indian War, England had an empty treasury and a large public debt. She had long been jealous of the growing prosperity of the American colonies, and now determined to raise a revenue by taxing them, claiming that her debt had been incurred through protecting them. The colonists resisted every attempt to carry this out. They considered that they had already borne their full share of the burdens of the war, in maintaining their own troops and giving the lives of thirty thousand of their young men. And more than this, they were not represented in Parliament; and “Taxation without representation is tyranny,” they said.

6. The Stamp Act.—This was one of the most offensive measures of Parliament to tax the colonies. It provided that all instruments in writing, as deeds, bonds, wills and notes, and all printed newspapers, almanacs and pamphlets, should be written or printed on stamped paper purchased of the English government. These stamps varied in price from a few cents to a number of dollars, and there were fifty-four kinds of documents that must be thus executed.

7. Mutiny Act.—A Mutiny Act had been in force a long time, providing for the punishment of mutiny and desertion, and for the quartering of British troops. In 1769 a clause was added declaring that troops in the colonies must be quartered and provided for at the expense of the colonists.

8. Boston Massacre.—The people of Boston were especially decided in their opposition to the obnoxious laws of Parliament, and when British troops were stationed in the town to overawe them, they became greatly enraged. There were several collisions between the soldiers and the people, in one of which the troops fired into the crowd, killing and wounding several persons. This is known as the Boston Massacre.

9. The Tax on Tea.—Duties were laid upon paint, paper, lead, glass and tea. Again the colonists objected, so vigorously that the English government, becoming alarmed, repealed all the taxes except the one of three pence per pound on tea, which was left to keep up the right, the king said. But as it was the right which the colonists were opposing, this one tax, though in itself not burdensome, irritated them as much as the whole had done. They refused to purchase any tea, and some of the men of Boston, disguised as Indians, one night boarded British vessels laden with tea and threw the cargoes overboard.

10. Boston Port Bill.—England, as a punishment for this act of destroying the tea, closed the port of Boston, and removed the seat of government to Salem.

11. Massachusetts Government Bill.—As a further punishment, a bill was passed completely changing the charter government of Massachusetts, by taking all the power from the hands of the people and placing it in those of the servants of the crown.

12. Transportation Act.—At the same time another Act was passed, providing that in the colony of Massachusetts all persons charged with murder, or other capital offense committed in opposing the government of the crown, should be sent to some other colony or to England for trial.

13. Quebec Act.—The colonies had for years contributed men and money to assist England in overthrowing the Roman Catholic church and the French laws of Canada. The Quebec Act permitted the Canadians to remain under their French laws, and restored to them full religious rights. It also added to the province the territory north of the Ohio River. In all this the colonists saw only a scheme for their overthrow by the English crown.

14. Misrule of Royal Governors.—These officers of the crown continually exasperated the people by their overbearing and tyrannical rule.

FIFTH LESSON.

SUCCESSIVE STEPS TO UNION.

I. THE ENEMY TO UNION. As a general thing, the people of each colony came from the same locality in their native land, held the same political, social and religious views, and were alike in their habits and customs. But the people of the different colonies differed widely in these respects. The settlements were often far apart, and communication with each other was difficult. Thus their opinions and interests grew more and more diverse, and the spirit of jealousy, which had always existed among them, increased in strength as they grew more independent of each other. This jealousy from the first proved a most determined enemy to all attempts at permanent union of the colonies, and was only overcome when the popular fears of outside enemies grew stronger than the jealous fears of each other.

II. STEPS TO UNION.

1. First Union, 1643.—The colonies of Massachusetts, Plymouth, Connecticut and New Haven joined together to resist the encroachments of the Dutch and French and protect themselves from the hostilities of the Indians. The league thus formed was called the League of the New England Colonies. Two commissioners from each colony met in council and managed the affairs of the league. This union existed forty-one years and doubtless aided greatly in educating the public in the direction of self-government.

2. Attempted Union, 1754.—It was more than a hundred years after the formation of the League of the New England Colonies before any important steps were again taken toward union; and the attempt, when made, was also for the purpose of protection against outside enemies.

The contest between the French and English over their possessions in America had reached the point of open hostili-

ties. England saw that war was certain, and advised her colonies to unite for common defense. A congress was therefore called at Albany, at which seven of the colonies were represented—Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Pennsylvania and Maryland.

This Congress formed a treaty with the Six Nations, and agreed on a plan of union. Benjamin Franklin was the author of this plan, which provided that a president be appointed by the king and a council be elected by the people, and that the two acting together should regulate the affairs of the union. But the king, fearing it would give the colonists too much strength, rejected it; while the colonists opposed it because it gave too much power to the president. It was therefore never carried into effect, and its only apparent benefit was the further familiarizing of the colonists with the idea of union.

3. Congress of 1765.—At this time the English government was attempting to tax the colonies to pay her war expenses. The people had been growing irritated and rebellious, and the passage of the Stamp Act made them furious. At the proposal of Massachusetts, a Colonial Congress was called at New York, for the purpose of discussing the unjust measures of England. All the colonies were represented but Virginia, North Carolina, Georgia and New Hampshire. This Congress prepared a list of the rights and privileges which they claimed, and sent a petition to the king of England, asking him to redress their wrongs.

4. First Continental Congress, 1774.—But the king and parliament paid little heed to the petition of Congress, or to the complaints of the people, who continued to grow more and more indignant, and less inclined to obey the unjust laws of England. The Boston Massacre, the tax on tea, the Port Bill, the Mutiny Act, with the many other oppressive measures, again induced Massachusetts to recommend the calling of another Congress. This was done, and all the colonies but Georgia sent delegates.

At this Congress, which assembled at Philadelphia, Sept. 5th, 1774, another Bill of Rights was declared, of a much more decided nature than the other. Articles of Association

were drawn up, pledging the colonies to have no further commercial intercourse with Great Britain till the obnoxious acts were repealed. Another petition was sent to the king, and addresses to the people of Great Britain, to the people of the colonies, and to the Canadians concerning the troubles with the home government. It was also recommended that another Congress be called in May of the next year.

5. Second Continental Congress, 1775.—The troubles with England had continued to grow more serious, and in April, 1775, the first blood of the Revolution was shed at Lexington. The rebellious spirit of the colonists could no longer be controlled, and it was evident to many that nothing but war could settle the disputes.

The Second Continental Congress assembled at Philadelphia May 10th, 1775. There were delegates from all the colonies, most of those sent to the First Continental Congress having been returned to the Second. The most prominent figure among them was George Washington. He was dressed in the military suit of the Virginia troops, a buff and blue uniform. These were the colors of the liberal or republican party of England. All at once observed this military dress of Washington, and by it read his opinions concerning the future policy of the colonies toward Great Britain.

This Congress constituted the national government of the colonies for fourteen years, and during this time accomplished their final union. But its proceedings properly come under the head of Revolutionary Government.

REVOLUTIONARY GOVERNMENT.

SIXTH LESSON.

INDEPENDENCE WON.

I. CHARACTER OF SECOND CONTINENTAL CONGRESS.

The colonies sent some of their ablest men as delegates to this Congress; Washington was there, the acknowledged leader in all movements for the country's welfare. John Adams, Roger Sherman, John Jay, Peyton Randolph, Benjamin Franklin, Richard Henry Lee and Patrick Henry were delegates, together with many others famous for ability and patriotism. It is said that among these delegates there was as little of selfish motive and personal ambition, and as much of ability and pure devotion to country, as ever existed in any assembly of men.

The character of this Congress at the time of its assembling cannot properly be called revolutionary; its object was not to change the existing form of government, nor to establish a new one. It had nothing in the shape of law or constitution to define its powers. Its proceedings had no legal or binding force, and the fact that they were generally sustained was not due to any actual power that this Congress possessed, but merely to the sense of common danger felt by the inhabitants of the country atlarge.

Although all previous appeals to England to cease her oppression had been in vain, it was still hoped that this Congress, by taking more decided measures, might bring about the desired result. The great mass of the people, as well as their leaders, had no thought of separation from the mother country. They gloried in being subjects of the powerful kingdom of Great Britain, and believed there would soon be a peaceful settlement of all difficulties. But their error was quickly made apparent; they saw there was but one way of escape from

British oppression, and that way lay through revolution and separation from England.

II. STEPS TO REVOLUTION. 1. Immediately upon the assembling of the Second Continental Congress, a letter from Massachusetts was received by that body, telling of the battles of Lexington and Concord, and asking for advice and assistance. Congress at once realized that immediate and decided action was necessary, or there would never be an end to England's oppression. They voted to raise an army of twenty thousand men, with Washington as commander-in-chief. Although this measure had a strong revolutionary appearance, and in reality did prove to be so, yet, at the time, it was taken with no such intent. It was simply a means of protection against certain obnoxious laws and officials.

2. But this one rebellious act made others of a similar nature unavoidable. It was found necessary to create a continental currency, and to establish both a treasury and a post-office department. Attempts were also made to regulate commerce. And so, apparently without design, this Congress drifted on toward self-government.

3. What is believed to be the first direct public movement in favor of independence, made by any colonial assembly, was made by North Carolina. Her legislature passed a resolution in April, 1776, instructing her delegates in Congress to unite with the others in declaring for independence.

4. Shortly after this, the legislature of Rhode Island passed an Act abjuring further allegiance to the British crown.

5. Then, in May, the legislature of Virginia instructed her delegates in the Continental Congress to propose declaring the united colonies a free and independent state. Massachusetts and Rhode Island at once instructed their delegates to vote for the measure. Accordingly, Richard Henry Lee, of Virginia, on the 7th of June, 1776, offered in Congress a resolution declaring the colonies of right free and independent states. This is said to have been one of the greatest questions ever presented to any assembly for discussion; and to have been debated with an ability and eloquence seldom, if ever, equalled. The resolution was adopted on the second of the following month.

III. REVOLUTION: DECLARATION OF INDEPENDENCE.

Four days after this resolution was offered by Lee, a committee was appointed by Congress to draft a declaration of independence. Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman and Robert R. Livingston were the members of this committee. They presented a draft to Congress, which was adopted on the Fourth of July, 1776, by a unanimous vote.

There was no longer any question as to the policy of the colonies toward the mother country. This meant revolution.

The Declaration of Independence was written by Thomas Jefferson, chairman of the committee, and has ever since been considered a work worthy of its author's remarkable ability. It opens with a statement of the natural rights of man, and affirms that the object of government is the protection of those rights. It asserts that a failure to accomplish this object justifies the overthrow of a government. A list of the tyrannical measures of George III. toward the American colonies follows, together with an enumeration of the oft-repeated and vain attempts of the colonies at redress. Then the colonies are declared free and independent states, with power to administer their own government. The closing paragraph contains an acknowledgment of trust in Divine Providence, and a pledge to each other of life, property, and honor in defending this declaration of their independence.

By this Act of Congress, the thirteen colonies became thirteen independent States; and Congress, consisting of but one legislative body, with no executive or judiciary, became the general government of the United States of America.

IV. ORIGIN OF ARTICLES OF CONFEDERATION. As soon as it became certain that independence would be declared, Congress proceeded to lay plans for the union of the colonies under a permanent central government. It was evident that there would be a fierce struggle with England, and their only hope of success lay in united action. This would necessitate a power that could control the general affairs of the whole people. Congress, although it had made use of this power, did not possess it. Therefore, on the same day that a com-

mittee was appointed to draft the Declaration of Independence, another committee was chosen by Congress to prepare a plan for the union of the States under a central government. After being debated and amended at various times, the report of this committee was adopted by Congress, November 15th, 1777, under the name of the Articles of Confederation.

V. RATIFICATION OF ARTICLES OF CONFEDERATION.

These articles were not to go into effect until ratified by all of the thirteen States.

It seems as if at this time, with the country distracted by the war with England, the colonies would have put aside their jealousy of each other and been eager to form a strong and lasting union. But their sad experience with the home government had made them fearful of again losing their independent rights in a central government; and their jealousy and rivalry could not be overcome except by many years of war. But they all desired independence, and because they could obtain it only by united efforts, they supported the action of Congress sufficiently to enable it to carry on the War of Independence to a successful close.

On the first of March, 1781, nearly five years after the adoption of the Articles of Confederation by Congress, Maryland, the last of the States to yield, ratified them, and they then went into effect.

GOVERNMENT OF THE CONFEDERATION.

SEVENTH LESSON.

THE ARTICLES OF CONFEDERATION.

I. NATURE OF CONFEDERATION. The Articles of Confederation united the States in a league of friendship, mainly for the purpose of defense. By them the States were bound to assist each other against all outside attacks. But the union thus formed did not constitute a nation; it had more of the nature of a partnership of States, with the central government acting as agent. Each State expressly retained its sovereignty, freedom, and independence, thus withholding from the central government the supreme power, without which there could be no *national* government.

The following are some of the leading features of the Articles of Confederation:

1. The government was vested in a single legislative body, a Congress, consisting of but one house.
2. Each State was represented by not less than two nor more than seven delegates, and had but one vote.
3. The assent of nine States was necessary in all important matters, and the assent of all for any change in the Articles of Confederation.
4. All military and other governmental expenses were paid from a common treasury, which was supplied by the several States in proportion to their property.
5. Congress could send and receive ambassadors, coin and borrow money, establish post-offices, commission United States officers, and had the final settlement of State disputes over title to the soil.
6. Congress could appoint a committee, consisting of one delegate from each State, to act during a recess of that body.

II. CHANGE OF GOVERNMENT. The same old Continental Congress continued to administer the government under its new form; but it had now changed from a revolutionary body to a legal assembly. Its powers were defined by a code of written laws, which the people of the colonies had approved. But, in reality, the government underwent very little change. The Revolutionary War was still at its height, and Congress continued to legislate very much as in the past, the States continuing to support its measures quite generally till the end of the war.

III. CLOSE OF WAR. Two years after the adoption of the Articles of Confederation, the Revolutionary War closed, with the triumph of the colonies. It had taken eight years of terrible war to secure their liberty and independence. The English army withdrew from the country; the American army disbanded; Washington resigned his commission, and returned to his home at Mt. Vernon. The people then prepared to enjoy the liberty and peace for which they had so long and so bravely struggled. But peace did not come. They found they had gained liberty alone. Another enemy was in their midst, quite as dangerous as the one they had driven out. It was the weakness of their own government.

IV. DEFECTS OF ARTICLES OF CONFEDERATION. The selfishness, jealousy and short sightedness of the colonies, which had delayed the formation and ratification of the Articles of Confederation, had also resulted in making them a very imperfect instrument of government. It was believed that enough power had been vested in Congress to make it a strong central government. It was found, however, that although Congress could make war, and determine the number of troops necessary, it could not enlist a single soldier. It could only ask the States to raise the troops. It could determine the amount of money necessary for war and other expenses, but it could not raise a dollar. The States had exclusive control over taxes. It had no power in regulating the commerce of States with each other, or with foreign nations. Briefly, Congress could advise and recommend measures, but could not carry them out. It lacked the one element necessary to any

government—*compelling* power. The States had kept in their own hands the entire substance of power, giving to Congress but the shadow.

V. RESULT OF DEFECTS. The great amount of money used in carrying on the war had caused a large public debt, and funds were also necessary for the ordinary expenses of government. Congress, completely helpless in the matter, requested the States to provide for these necessities. Some States ignored the request; others refused to comply; while still others made the attempt to raise funds by direct taxation and stirred up such violent opposition among their citizens that troops were called out to quell the disturbances.

Each State, having entire control of its own commerce, regulated duties as best suited its own interests. Those having sea ports taxed other States trading through them. England, taking advantage of the weakness of the government, did all in her power to injure American commerce, and everywhere the trade of the United States was fast being destroyed.

The laws passed by one State frequently worked such direct injury to others that the latter retaliated in kind. There was constant dispute over the claims of the different States to uninhabited territory in the West. Each State had its own paper currency, which would not pass in other States; and much of the coin of the country was fast finding its way abroad.

The government became an object of contempt to foreign nations, England in particular losing no opportunity to ridicule this people who had struggled so obstinately for self-government. But more than all else, the American people themselves grew to distrust and despise their own government. Men who in the past had bitterly hated monarchical government, came to think and speak of it with leniency. The outlook of the country was growing darker than in the time of war.

VI. ATTEMPTS AT REFORM. Congress made repeated attempts to alter the Articles of Confederation in a way that would give to that body more power, and as often failed. That the assent of the whole thirteen States was required for amendment or revision was an insurmountable difficulty.

Three times amendments were assented to by twelve of the States, but defeated by the refusal of one to approve.

VII. GOOD RESULTS OF CONFEDERATION: Although the government of the Confederation was the weakest that could well have been framed, and almost without merit, yet it is entitled to the gratitude of this nation. Had its defects been of less magnitude, it is probable that our Constitution would never have been framed. Had the thirteen States not experienced so fully its evil effects, our Constitution would never have been adopted. Had the weakness of the Articles of Confederation been less, the strength of our Constitution would not have been possible.

EIGHTH LESSON.

FROM CONFEDERATION TO CONSTITUTION.

I. STEPS TO FORMATION OF CONSTITUTION.

1. Virginia and Maryland Convention, 1785.—Most great things have small beginnings. A question of dispute concerning the navigation and fisheries of the Potomac River and Chesapeake Bay caused the first step to be taken leading to the formation of the Constitution. Virginia and Maryland, the disputing States, appointed commissioners to meet and settle the question. These commissioners at once discovered that the matter also concerned the rights and privileges of other States. They therefore adjourned without taking action; but they recommended to their State legislatures the calling of a convention of all the States to advise together in regard to the trade of the United States. Virginia, acting upon this recommendation, adopted a resolution advising all the States to send delegates to such a convention.

2. Convention at Annapolis, 1786.—A convention was therefore called at Annapolis; but, although the States in general favored the undertaking, only five were represented. On account of the small number present, and the importance of the matter in hand, the convention took no action. It, however, recommended to Congress and the several states the appointment of delegates by all the States to meet in convention at Philadelphia and consider the situation of the United States, and provide for the urgent needs of the Union.

Congress at once advised the calling of a convention for revising the Articles of Confederation.

3. The Federal or Constitutional Convention, 1787.—By this time the affairs of the government had fallen into such a state of confusion that the entire people recognized the necessity for immediate action, in order to preserve the Union. All of the States but Rhode Island sent delegates to this conven-

tion. As on similar occasions, the people exercised unerring judgment in selecting these delegates. They not only sent their wisest and best men, but men who, with few exceptions, had become famous as governors of States, members of Congress, signers of the Declaration of Independence and the Articles of Confederation, and in other capacities. But the task before them was one worthy of their greatest wisdom. They held the fate of the nation in their hands.

The time of meeting was appointed for the 14th of May, but not until the 25th were enough States represented to undertake this work of revision. Washington was unanimously chosen president, and the convention proceeded to business behind closed doors. The members were pledged to secrecy, and it was not till years afterward that the proceedings were fully made known to the public.

II. FORMATION OF CONSTITUTION. Although the convention had been called to revise the Articles of Confederation, it was soon decided to abandon this purpose, as they were too faulty to admit of revision. The convention at once proceeded to the formation of an entirely new instrument of government—one that would answer the needs of a National Government.

This proved to be a work so delicate and difficult that it will always be a matter of wonder how it was accomplished. From the first serious dissensions arose and continued to multiply throughout nearly the whole proceedings. The large States claimed precedence in proportion to their territory, wealth, and population; and the small States stubbornly opposed it. The free States wished only the whites counted as population; the slave States insisted that all be counted. The commercial and agricultural States differed widely in their interests. Nearly all were opposed to yielding very large powers to the central government, while each was afraid the others would secure too much influence in such government.

The best men among the delegates almost despaired of ever arriving at any agreement. However, at the end of a long struggle, a spirit of concession prevailed among them, which resulted in the formation of our Constitution. It required the

labor of nearly four months to accomplish this work, but the result was well worth a much longer labor.

Because the Constitution contains some features of the Confederation, the United States government is often called the *Federal* Government, as well as the *National* Government; and the Constitution is spoken of as the *Federal* Constitution.

III. RATIFICATION OF CONSTITUTION. It was provided that the Constitution, upon being ratified by Congress and then by nine of the States, should go into effect; but in that case only the States so ratifying would belong to the Union thus formed. This gave perfect freedom of choice to the States; none could be forced into the Union.

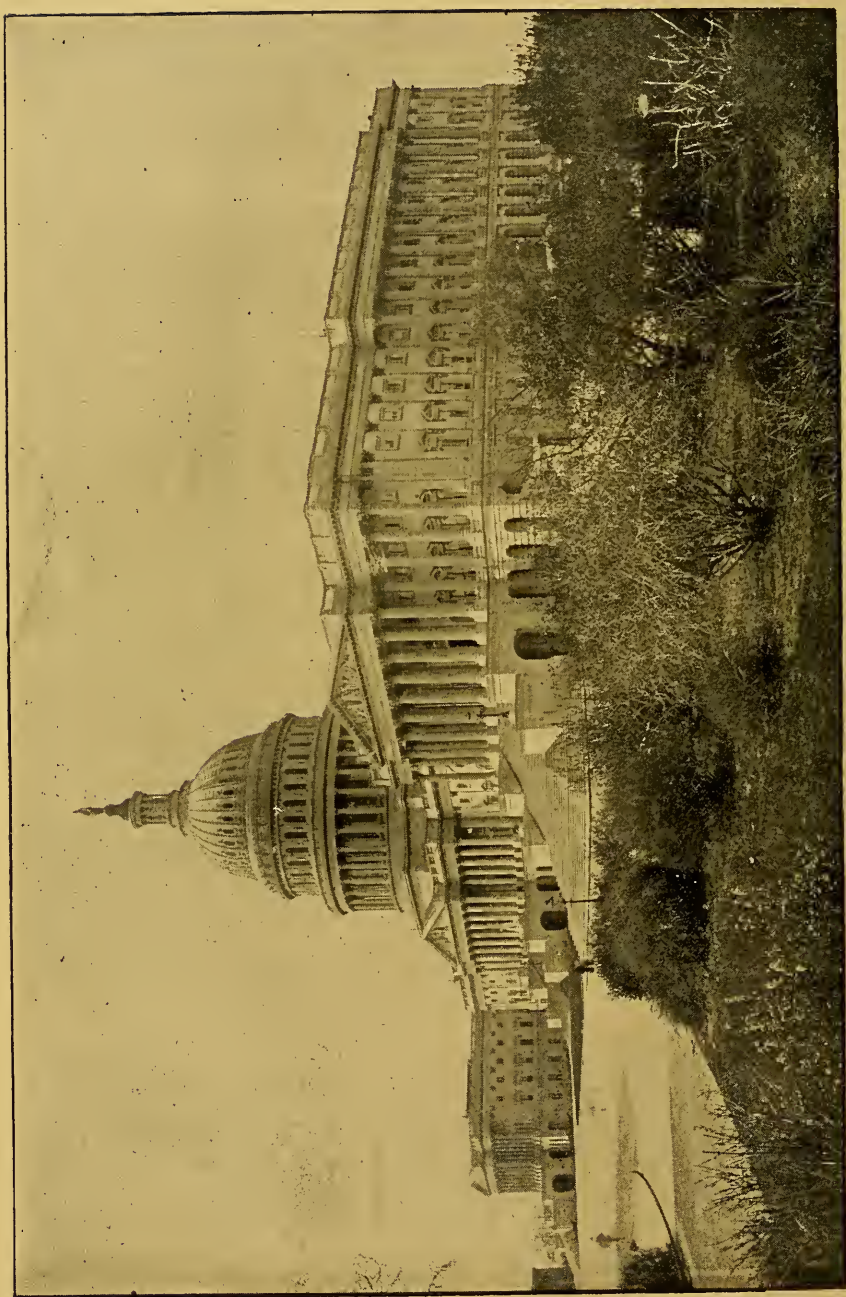
Congress approved of the Constitution on the 28th of September, 1787, and then submitted it to the States. At once a storm of discussion arose. It was attacked at every possible point. In some States the opposition was exceedingly strong and bitter. In several towns serious riots occurred between the friends and enemies of the Constitution. Some thought too much power was given the Federal Government; others not enough. Some thought the Senate should be elected by the House of Representatives; others by the people. The terms of office were too short or they were too long. Congress should vote by States, not by individual members. Religious tests should be required for office; and the seat of National Government should not contain so much land.

But many saw that the choice lay only between the Constitution and anarchy, and therefore in less than a year eleven States had ratified, and the new government went into operation during the first months of 1789. Washington was elected President, and John Adams, Vice-President; and then in truth, peace and prosperity came to the nation.

North Carolina and Rhode Island, the two States that had not ratified, after waiting until the success of the new government was assured, joined in the Union, thus completing the list of thirteen original States.

IV. AMENDMENTS TO CONSTITUTION. Many of the supporters as well as the opposers of the Constitution thought

that certain omissions in that instrument should be supplied. In the first Congress, therefore, ten amendments, constituting a bill of rights, were proposed and subsequently adopted by the States. These amendments had reference to certain rights of individuals, which the people were afraid would not be recognized by a National Government. Five amendments have since been added, as the needs of the nation required.



THE NATIONAL CAPITOL

GOVERNMENT UNDER THE CONSTITUTION.

NINTH LESSON.

TERRITORY OF THE UNITED STATES.

I. THE ORIGINAL TERRITORY, 1783. The treaty of peace made with Great Britain, at the close of the Revolutionary War, defined the boundaries of the United States. These boundaries were: the Atlantic Ocean on the east, the Mississippi River on the west, the Great Lakes and Canada on the north, and the northern line of Florida extending to the Mississippi River, on the South.

This territory comprised about 830,000 square miles—more than three times the area of France, Spain, Germany or Italy, four of the most powerful nations of Europe. On account of this great extent of country and its relatively small population, it evidently did not occur to the minds of the founders of our Republic that we should ever need or acquire more territory. Therefore no provision was made in the Constitution for such acquisition. Nevertheless it has always been acknowledged by all parties that the National Government possesses the right to acquire territory by any honorable measures; and this right has been repeatedly exercised.

II. THE LOUISIANA PURCHASE, 1803. During President Jefferson's administration the first addition of territory was made to the original United States. Napoleon Bonaparte, who was then at the head of the French government, was about to engage in war with Great Britain. Three years previously he had purchased the province of Louisiana from Spain, and he now feared that the British would open hostilities by taking possession of this region. To prevent such an occurrence, he sold the entire province to the United States for the sum of \$15,000,000.

This territory was many times larger than the present State of Louisiana. It extended from the Mississippi River on the east to the Rocky Mountains on the west, and from its wide stretch along the northern boundary of the United States, narrowed down to the width of the present State of Louisiana on the Gulf of Mexico. Over a million square miles were comprised in this section, and by its acquisition the area of the United States was more than doubled.

This province was one of great fertility of soil; its climate was healthful, and its natural productions many and varied. It has proved of vast importance in the growth and development of our country. From it, with the addition of a little extra territory, the States of Louisiana, Missouri, Arkansas, Iowa, Minnesota, Kansas, Nebraska, Colorado, Wyoming, Montana, North and South Dakota, and the Oklahoma and Indian territories, have been formed.

III. PURCHASE OF THE FLORIDAS, 1819. The provinces of East and West Florida, which Spain had ceded to Great Britain at the close of the French and Indian War, were given back to Spain by Great Britain in the treaty of peace with the United States.

During President Monroe's first term of office these provinces were purchased by our government for \$5,000,000. But, owing to the delay of the Spanish government in giving a final ratification of the treaty, the United States did not come into possession of the purchase until 1821.

IV. ANNEXATION OF TEXAS, 1845. The present State of Texas was once a part of the Republic of Mexico. Most of its people, however, were from the United States. In 1836, on account of the tyrannical measures of the Mexican rulers, the Texans rebelled and established an independent government, which they sustained by force of arms.

In 1845 the United States Congress passed a bill for the admission of Texas to the Union. This bill was signed by President Tyler three days before the expiration of his term of office. In the early days of Polk's administration the Legislature of Texas approved the bill; and thus Texas became one of the United States.

But this great State of Texas came into the Union upon one condition, that her territory should be divided into five separate States whenever her government decided so to do. This has never yet been done, and she remains to-day by far the largest State in the Union.

V. THE OREGON TREATY, 1846. The country lying west of the Rocky Mountains, which is now embraced in Oregon, Washington, Idaho, and a section of British America directly north, was long known as the Oregon Country. This territory was claimed by the people of the United States under several titles:

1. Captain Gray having discovered the Columbia River, they claimed it by right of discovery.

2. Captains Lewis and Clark having explored the country, they claimed it by right of exploration.

3. It having been actually settled by citizens of the United States, they claimed it by right of settlement.

4. All claims to that region held by France and Spain having been purchased by the United States, they claimed it by right of purchase.

5. But Great Britain also claimed Oregon; and thus for many years a controversy was carried on between that government and our own, which at one time threatened to end in war. But finally the difficulties were settled by the treaty of 1846, in which Great Britain yielded to the United States all her claims south of the forty-ninth parallel of latitude. Then this country belonged to the people of the United States by right of treaty.

VI. PURCHASE OF CALIFORNIA, 1848. Although Texas had maintained her independence for several years, and the United States, England, France and other governments had acknowledged it, yet Mexico had never yielded her claims to the province. The admission of this State into the Union therefore gave rise to a war between Mexico and our government, which resulted in the victory of the latter. By the terms of the treaty of peace which followed, Mexico ceded to the United States the territory now comprised in California, Nevada, Utah, the greater part of Arizona and New Mexico, and

part of Colorado. The price paid by the United States for this territory was \$15,000,000, together with the assumption of debts owed by Mexico to American citizens, to the extent of \$3,000,000.

VII. PURCHASE OF THE MESILLA VALLEY, 1853. A second treaty was afterward made with Mexico, known as the Gadsden Treaty, by which the Mesilla Valley, a region of country lying south of the Gila River, was purchased by the United States for \$10,000,000.

VIII. THE ALASKA PURCHASE, 1867. William H. Seward, President Johnson's Secretary of State, accomplished the purchase of the vast country of Alaska, containing more than half a million square miles. The Russian government was paid \$7,200,000 for this possession, then known as Russian America. On account of the desolate, arctic nature of a large part of the region, its purchase was at the time much ridiculed by the people and press of the country, and it became widely known as "Seward's Folly." It has, however, proved a valuable acquisition. Its fisheries are extensive, and its fur-bearing animals are a source of great wealth. This country is also rich in minerals and timber, and the climate along the coast is mild.

IX. PRESENT EXTENT, 1898. The area of the United States is now 3,600,000 square miles—more than four times the extent of the original United States. Its forty-five States and five Territories stretch across the entire continent, from the Atlantic to the Pacific Ocean, and reach from the Icy Cape in the Arctic Ocean to the hot coasts of the Gulf of Mexico. Nearly all varieties of soil, climate and productions exist within this immense spread of territory; and among its 70,000,000 inhabitants are found natives of almost every country on the globe. Yet the same set of laws, framed by that small body of men in the Philadelphia Convention, as successfully controls the affairs of this great country, and protects the interests of its vast population, as when the thirteen original States, crowded upon the Atlantic sea-board, constituted the Union.

TENTH LESSON.

PUBLIC LANDS.

I. PUBLIC-LAND STATES. Previous to 1784, the Federal Government owned no land; in that year it came into possession of the valuable tract lying between the Ohio and Mississippi Rivers and the Great Lakes. This Northwest Territory, as it was called, was ceded to the United States by Massachusetts, Connecticut, New York and Virginia.

In the Land Ordinance of 1785, Congress prescribed the manner in which this land should be surveyed, and also set apart a certain portion for the support of public schools. The policy outlined in this Ordinance has been carried out in detail by subsequent acts of Congress, and has been extended in application to all the territory which has since come into possession of the Federal Government.

Ohio, admitted to the Union in 1803, was the first State formed from public land. Since then there have been twenty-nine States admitted, and all but three (Texas, West Virginia and Maine) have been public-land States, and, therefore, have been surveyed and settled according to the Federal provisions.

II. SYSTEM OF SURVEYS. The system of surveying the national lands is very simple. The government surveyors first mark out *principal meridian lines*, running north and south; then parallels of latitude, running at right angles to the meridians. These parallels are called *base lines*. East and west of each principal meridian, at intervals of six miles, are drawn lines parallel with it, which are called *range lines*. North and south of each base line, at intervals of six miles, are drawn lines parallel with it, which are called *township lines*. Thus the States of the West are marked off in squares. Each square is called a *township*, and is numbered by counting how many squares it lies north or south from the nearest base line. Each row of squares running north and south is called a *range*, and is numbered by counting the rows east or west from the

nearest range line. Hence, in order to find a certain township, one has only to know the situation of its principal meridian and its base line, together with the number of the township and of the range in which it lies. To situate the township then becomes a mere matter of counting miles, remembering that each township is six miles square.

This regularity of plan made it very easy for the pioneer settlers in the West to "locate their claims" even while the country was a wilderness. The matter was made even simpler by dividing each township into thirty-six equal sections. Each of these sections, of course, contains one square mile or six hundred and forty acres, and this area is, in turn, divided into quarters and sixteenths.

1 m.	1 m.					
	6	5	4	3	2	1
	7	8	9	10	11	12
	18	17	Grant 16 for Schools.	15	14	13
	19	20	21	22	23	24
	30	29	28	27	26	25
	31	32	33	34	35	Grant 36 for Schools.

Diagram of a township in one of the newer States, showing the manner in which the sections are numbered, and which ones are grants from the United States for school purposes.

III. ENDOWMENT FOR PUBLIC SCHOOLS. The Ordinance of 1785 contains the following provision: "There shall be preserved the lot number 16 of every township for the maintenance of public schools in the said township." The policy here initiated has been adhered to in all laws concerning terri-

tory subsequently acquired by the United States, and it follows that in every public-land State or Territory there is one square mile of land in each township which is devoted to the support of free education. The title to the land is vested in the State Legislature, and from the proceeds of its sale comes a permanent fund, the interest of which is divided among the different townships for the support of their schools. In a few of the States, however, each township has its own special fund arising from its own section.

Since the passage of the law for the organization of the Oregon Territory, in 1848, section number 36, also, has been reserved for the same purpose as section 16. Thus the schools of the newer Western States have the income from one-eighteenth of the land of the entire State.

All the best authorities on the subject point out the fact that the town governments of the West have grown out of the organization for school purposes made necessary by the above described system of land grants. Except for this national policy, we might find in all the Western States, as we do in some of them and in most of the Southern ones, only the county governments for local purposes.

Congress has made other grants of land for the founding and support of State universities and of colleges for instruction in the branches pertaining to agriculture and the mechanic arts.

IV. SETTLEMENT OF PUBLIC DOMAIN. Under the Homestead Act, signed by President Lincoln, a citizen of the United States, or one who has filed his declaration of intention, man or woman, either the head of the family or single, and twenty-one years old, may locate upon a quarter section, *i. e.*, one hundred and sixty acres, of unoccupied public land. After living thereon five continuous years he or she will receive from the United States Government a deed of the land, free of cost, excepting small fees paid at the land-office through which the business is transacted.

Under the Pre-emption Act, a person having the above-mentioned qualifications may settle upon one hundred and sixty acres of unsold public land, build a house thereon, and,

at the end of a year, receive a title to the place by paying the government \$2.50 per acre, if it be within the limits of land granted to the railroads, or \$1.25 if it be outside of these limits. Soldiers may acquire title to public land on still easier terms.

Besides the land, amounting to about eighty million acres, granted to the States for school purposes, large tracts have been set aside for Indian and military reservations; much has been given to railroad corporations and canal companies, and there are still remaining large areas of unoccupied public land.

STATE GOVERNMENTS.

ELEVENTH LESSON.

CONSTITUTIONS AND ELECTORS.

I. STATE CONSTITUTIONS.

1. Their Nature and Origin.—A *constitution* is the established form of government of a State or Nation. One of the most important powers of the people of a free government is that of securing their rights by a written constitution of their own choice. Their legislative bodies can then make no laws that this constitution forbids, and there can be no oppressive or tyrannical measures which the people themselves cannot control.

The English people have no written constitution. The body of principles contained in the Acts of Parliament, the rulings of the courts of law, and the established customs of the country, extending back through centuries, is called the English constitution. It is in constant process of change, for Parliament has the power to make any new law it sees fit, or to abolish any old law.

The people of the United States were the first in the history of the world to have written constitutions. They had had experience of the fickle will of cruel kings and law-making bodies, and they determined to be governed by well established and written codes of laws, which could never be forgotten, and never be changed except as the people themselves desired it.

Even before the formal Declaration of Independence had been made, the Continental Congress recommended the colonies to organize State governments. Eleven of the colonies responded to this suggestion by adopting State constitutions within the course of a few years, while the other two, Connecticut and Rhode Island, substituted their liberal royal

charters instead. But when the National Constitution was formed, that became, within the range of its powers, the supreme law of the land. The State constitutions, therefore, cannot in any way conflict with it, or with the laws made under its provisions. But the States, having the supreme power in all other matters, have each adopted a constitution which comes within the limits of this power, and by which the people of that particular State are governed.

2. How They are Framed.—The State constitutions have without exception been the work of constitutional conventions. The people of a State cannot all come together to frame a constitution; they therefore choose representatives, or delegates as they are called, who meet in convention and draft a form of constitution which they think best adapted to the government of that particular State. This, however, is only a draft, and can have no force as law until it has been regularly adopted by the people at large.

3. How They are Adopted.—This draft is submitted to the people at an election, for their decision upon it. It is accordingly adopted or rejected as the majority vote.

4. How They are Revised and Amended.—Every constitution must be capable of change to a certain degree. Both the public and the private life of the people are constantly developing, and hence their requirements are as constantly changing. The fundamental law of the State must therefore be capable of a corresponding modification. The constitution itself usually contains provisions for making these changes or amendments.

When a general revision is thought necessary, the method of proceeding is usually the same as in making a new constitution. But it is more difficult to effect a single amendment than a general revision. An amendment must be assented to by both houses of the Legislature, in some cases by a simple majority and in others by a three-fifths or two-thirds vote. In some States it has to be voted upon and carried by the Legislatures of two successive years. Finally it is submitted to the vote of the people, when a simple majority is sufficient for its adoption.

5. Division of Government.—Every State constitution separates the legislative, executive and judicial departments as thoroughly as the National Constitution itself. But here, also, they are not entirely distinct, each one having a certain degree of control over the others.

II. SUBDIVISIONS OF STATES. Some sections of a State may require laws that are not necessary in others. Certain officers, as sheriffs and collectors of taxes, must each have his jurisdiction confined to particular limits, or great confusion would result. For these and other conveniences in administering the government, States are divided as follows:

1. Counties.—Every State in the Union is divided into counties. In Louisiana these divisions are called *parishes*. Counties in the same State are nearly uniform in size; but the counties in one State, as compared with those of another, vary greatly in extent and number.

2. Towns or Townships.—Counties are subdivided into towns or townships in all the States except those of the far West and most of the Southern States.

3. Districts.—Towns are variously divided into election, school and road districts. Both counties and towns are divided in some cases and united in others to form districts for the election of certain National and State officers. On account of the great diversity and complicated nature of these districts, it is not possible to fully discuss them in any general work.

III. VOTERS OR ELECTORS.

DEFINITIONS.—Whenever *the people* are spoken of in a political sense, that is, in connection with matters of government, *voters* are meant; those who by right of voting carry on the government. Voters are often called *electors*. The right to vote is called the *right of elective franchise*, or the *right of suffrage*.

QUALIFICATIONS.—When the Federal Constitution was framed, the qualifications required of voters in the several States were very diverse. The Convention, after much dis-

cussion of the matter and many vain attempts to settle upon a uniform right of suffrage, decided to leave the matter entirely with the individual States.

This former great diversity of qualifications has of late years been very much modified. The tendency now is toward universal suffrage.

1. Sex.—In the four States of Wyoming, Colorado, Utah, and Idaho women vote on all questions and are eligible to all offices filled by election. In Kansas they vote on municipal questions and are eligible to municipal offices. In Iowa and Montana tax-paying women vote on questions relating to the expenditure of public moneys. In Illinois women vote for trustees of the State University, and in more than half the States they vote on all school matters. In the remaining States the suffrage is limited to men.

2. Citizenship.—A nation cannot be safely governed by men who take no interest in its affairs, and who have not the welfare of the people at heart. Therefore aliens, or persons born in foreign countries, when they first come here to reside, are not allowed the privilege of voting. But laws have been made by which aliens, after residing here long enough to become acquainted with our government and to become attached to its institutions, can be naturalized, that is, made citizens of the United States.

Some States allow an alien to vote upon his simply declaring his intention to become a citizen of the country.

3. Age.—The common law long since arbitrarily established the fact that a youth reaches the age of understanding and responsibility when he becomes twenty-one years old. Previous to that time he is not supposed to be capable of transacting business or of understanding the nature of government sufficiently to act with judgment. Therefore all the States have fixed this age as the time when the right of franchise shall be acquired.

4. Residence.—In order that one may vote understandingly, he should reside in the State long enough to become acquainted with its laws and government, and to learn the character and

qualifications of those for whom he votes. All of the States require that voters shall have been residents, for a specified time, of the State and district wherein they vote. The time varies in the several States from three months to two years. This law is also made to prevent illegal voting; otherwise large numbers of men might be taken from one district to another or from one State to another at election time, and by their votes change the result of the election.

5. Criminals.—It is generally provided in State constitutions that voters convicted of infamous crimes are deprived of the right of franchise. They are then said to be *disfranchised*.

The phrase “infamous crime” is usually held to mean any crime punishable by imprisonment for a term of years. It is not considered proper for men guilty of high crimes to take part in administering a government which they have themselves defied.

It is sometimes expressly stated in a constitution that a pardon before the close of the term of imprisonment shall restore the right of citizenship and suffrage. Whether stated or not, this is usually the effect of a pardon. Often criminals are pardoned a short time, even a day, before their terms expire, for this purpose.

6. Idiots, Lunatics and Paupers.—These three classes are universally denied the right of suffrage. It is very evident that idiots and lunatics cannot exercise the right understandingly; though many who are allowed the right should undoubtedly be placed under one or the other class.

Paupers are supported at the direct expense of the government, and are allowed no vote. This right is denied them on the ground that there would be great danger of bribery and maltreatment by poor-house officials if the paupers were allowed the right of suffrage.

7. Other Qualifications.—Formerly there were certain property qualifications imposed upon the voter. These no longer exist. Rhode Island, the last State to abolish such requirements, did so in 1888. Several States, however, require the payment of a poll-tax as a condition for voting.

In Connecticut, Wyoming and Massachusetts the voter must be able to read the State Constitution in English, and in the last mentioned State must also be able to write his own name.

Indians not taxed are commonly excluded from voting.

Other minor requirements are made by a few States.

8. Color.—The Fifteenth Amendment to the United States Constitution has placed the only limitation upon the States in regard to conferring the right of suffrage. By this, all the States are forbidden to deny the right of franchise to any citizen on account of race, color, or previous condition of servitude. After the War of the Rebellion, which resulted in the abolition of slavery, this amendment was added in order to give the right of suffrage to all persons of African descent. Previous to this no colored person could vote in the Southern States, and in only three or four of the Northern States.

TWELFTH LESSON.

NOMINATIONS.

I. POLITICAL PARTIES. As soon as our National Government was organized, people began to have different opinions about their rights and duties under the Constitution. By reason of this, political parties, after a little, sprung into existence. During the second term of Washington's administration they had their origin; but it was not until nearly a quarter of a century later that they advanced from a merely local nature into National importance.

Since that time they have always existed, growing with our growth as a people, until they have become such powerful forces in our political affairs that it would be practically impossible to conduct our government without them. They are, in fact, a necessity to any free government; for where the people themselves decide political questions, it must be done by majorities, and political parties are the agencies for obtaining majorities. These parties also support widely-circulated newspapers; print millions of political pamphlets, and distribute them throughout the land; cause many public addresses to be made; and in numerous ways keep the people enlightened in regard to the important issues of the times, and the views of leading minds.

These parties are formed on National questions, and it is always National issues that keep up their life. In State politics sometimes distinct State parties form when an important local issue arises; but in general the lines of these two great parties extend from National matters down through the politics of all the States, reaching even to the election of the lowest township official. One of the most important political problems of to-day is the separation of local from National politics, to the end that questions of town, county and city government may be decided on their merits. At present party loyalty keeps many voters from supporting local measures of which their individual judgment approves.

II. DEFINITIONS. To *nominate* means to name for an office or place. The use of the word is quite closely confined to politics, where its meaning is to name persons for election to some office. The persons thus named are called the *candidates* or *nominees*.

III. WHY NOMINATIONS ARE MADE. Nominating candidates for office is a matter entirely outside of the control of law. It is simply a custom, and well illustrates the fact that the people of this country are free to assemble peaceably at their will to transact any business. But although not a matter of law, it is practically of the greatest importance. If, on election day, every elector voted for whatever individual pleased him, so great a number of persons would receive votes that it would scarcely be possible for any of them to have a sufficient number for election, and therefore no result would be reached. It might also happen that some persons, if elected, would not be able to serve, thus making other elections necessary. There are also great numbers of ignorant and indifferent voters, who either would not vote at all, or would vote much more unwisely if names of candidates were not suggested to them. Moreover, the public interest is aroused by being centered on a few individuals, and the character and ability of the candidates become well known to the people before election. For all these reasons it seems to be highly important to select persons before election, so that on election day there shall be but few persons to be voted for. Of course no one is obliged to vote for the candidates thus selected, but as a matter of fact, voting is almost universally confined to such nominees.

IV. HOW NOMINATIONS ARE MADE. Since about the year 1825, the caucus or convention method of placing in nomination candidates for office has prevailed, and has steadily increased in use, until now it governs all nominations, from the highest grade to the lowest.

The course of nominations is descending and ascending; that is, the calling of the different nominating conventions commences with the call for the highest, or National Convention, and descends in regular order to the call for the lowest, or

township caucus; while the order in which these conventions are held is from the lowest by successive steps to the highest.

That the subject under discussion may be fully illustrated, we will follow the course of nominations in a presidential year; for then the National Convention, as well as the State, county, township, and other conventions are held. And as all political parties follow almost exactly the same course of proceeding in this matter, a description of the methods of any one of them will be applicable to all.

CALLING OF CONVENTIONS.

1. Calling of a National Convention.—Early in the Presidential year, or in the latter part of the preceding year, the members of the National committee—which was appointed at the National Convention four years before, and which is made up of one citizen from each State, and in some cases one from each Territory—meet and organize by the selection of officers. They then agree upon the place for holding the National Convention of their party, six months or more later.

2. Calling of State Conventions.—Then the State committees of the respective States, which were elected at the last State Conventions, meet, organize, and fix the day and place for holding their State Conventions.

3. Calling of County Conventions.—The county committees of the various counties of each State next meet, and, after the usual organization, fix a day for their County Conventions.

4. Calling of Township or Ward Caucuses.—Lastly, the committees of the various townships of each county, and those of the wards of the cities included in the respective counties, meet, organize, and settle upon a day and place for the township or ward convention, or *caucus*, as this *primary* convention is called.

The hours of voting at a caucus are determined and published by the township and ward committees.

WORK OF CONVENTIONS.

1. Caucus or Primary.—This convention is called to order by the chairman of the township or ward committee,

and at once some attendant at the meeting is selected by acclamation for chairman of the caucus, and assumes control as its presiding officer. Then a secretary and two or more tellers are similarly chosen; after which all these officers must take the oath of office, as prescribed by law.

The duties of this caucus are fourfold:

1. To select a township or ward committee whose duty shall be the management of future caucuses.
2. To nominate such officers as are required for that township or ward alone; as, supervisors, justices of the peace, etc.
3. To select as many delegates to the county convention as that particular township or ward may be entitled to by allotment.
4. To transact such other business as may properly come before the caucus.

The voting is done by ballot or otherwise, as published by the committee, or as may be agreed upon by the members of the caucus. The vote for delegates is certified to by the caucus officers, and this serves as a certificate for the delegates selected, showing that they are entitled to sit in the county convention. The chairman announces the result of the voting for township or ward committee and for local officers, and declares those receiving a majority as selected for a future committee, or as being the nominees of the party.

The usual qualifications required to become a voter at a caucus are, that the person be legally entitled to vote in the precinct wherein the caucus is held, and that he declare his intention to support the candidates of the party at whose caucus he seeks to vote.

The customary order of business of the caucus or of any convention may be changed by vote.

2. County Convention.—This convention is called to order by the chairman of the county committee, and is then organized in the same manner as the caucus.

The work of a county convention is:

1. To select the members of the succeeding county committee, by calling the roll of the towns and asking the spokesman of each town delegation to name a person selected from such town to represent it on this committee.

2. To nominate such officers as are to be elected in and for that county, as sheriff, county clerk, etc.

3. To select two delegates to represent the county as a congressional district in the National Convention if the county chances to constitute a congressional district.

4. To select the allotted number of delegates to the State convention.

5. To transact any other necessary business.

3. Congressional District Convention.—If the county does not constitute a congressional district, as it usually does not, no delegates to the National Convention are selected at the county convention; but the selection of such two delegates is made at the congressional convention held in and for each congressional district.

This convention is called by the congressional committee of the district; and delegates to it are chosen in the same manner as those to other conventions. It is held every second year, for the purpose of nominating its candidates to the lower house of the National Legislature; and every fourth year it selects delegates to the National Convention, as stated above.

4. State Convention.—After this convention is called to order by the chairman of the State committee, the organization is carried out in a manner similar to that of the preceding conventions.

The duties of this convention are:

1. To fix the membership of the new State committee, by calling upon each county delegation to name a citizen of that county so to act.

2. To select nominees for the various State offices about to become vacant, as governor, lieutenant-governor, attorney general, etc.

3. To select four delegates at large to the National Convention, to represent the two United States Senators of the State.

4. To make up the Electoral ticket, or members of the Electoral College. This is done by having the convention at large determine upon two electors for the United States Senators; and by calling the roll of congressional districts by number, and having the delegates from each district name a citizen of that district as an Elector.

But the delegates to this convention are selected by counties, and congressional districts are often parts of a county, several counties combined, or whole counties and parts of others taken together. In order, therefore, to choose the electors by congressional districts, the delegates sent by the counties combine, divide, and re-district themselves, so that a certain number of them represent each congressional district in the State. These then, not as county delegates, but as the representatives of a given congressional district, name an Elector.

5. To do such other business as may properly come before the convention.

5. National Convention.—This convention is made up of the delegates sent from the States and Territories, two for every United States Senator, two for every member of the House of Representatives, and two for every territorial delegate to the lower house of Congress. In case any regular delegate is unable to act, his alternate, who was selected at the same time, serves in his place.

This convention organizes in the usual form, then proceeds to its duties, which are:

1. To fix upon the necessary National committee, by calling upon each State and Territory to name its member.

2. To accomplish the important work of nominating candidates for the Presidency and Vice-Presidency of the United States.

3. To transact any other business properly coming before it.

The Republican party has established the custom, at the National Convention, of permitting a majority to nominate, while the Democratic party requires a two-thirds vote of all delegates for the nomination of President and Vice-President.

V. OTHER CONVENTIONS. It will be observed that the preceding conventions are all in the direct course leading up to the nomination of President and Vice-President, and that the work of each is necessary to the completion of the system. There are besides various other important nominating conventions or caucuses.

1. **United States Senatorial Caucuses.**—United States Senators, as will hereafter be fully explained, are elected by

the legislature of each State. They are first nominated in caucuses held by the members of the different political parties who compose the legislatures.

2. State Senatorial Conventions.—For the nomination of State Senators, conventions are called by the senatorial committees of each senatorial district. The course of nomination is descending and ascending, as outlined heretofore. When however, caucuses or conventions are to be called for other, or purely local objects, delegates to the senatorial convention may then be chosen; but all the business to be transacted by way of selection of delegates or making nominations must be published in the call for the convention.

3. Assembly District Conventions.—These are held for the purpose of nominating candidates for the lower house of the State Legislature. The delegates to these conventions are selected at township caucuses.

4. Special Conventions.—Sometimes special conventions or caucuses are called for selecting delegates to the higher conventions.

5. City and Village Conventions or Caucuses.—Many city and village officers are nominated in conventions or caucuses held for that purpose.

VI. PLATFORMS AND PLANKS. Each party usually issues a formal declaration of principles, called a *platform*, thus making public its opinions concerning the important questions of the day, and its future intentions in regard to them. The declaration of each of these principles is called a *plank*.

It is within the province of any convention to declare a platform of principles; but, practically, while this is always done at national conventions, usually at State, and occasionally at county conventions, it is almost unheard of at caucuses.

THIRTEENTH LESSON.

ELECTIONS.

I. PRELIMINARY PROCEEDINGS. The time between the nomination of presidential candidates and the general election is always one of great political excitement. In local elections this is not usually so much the case, although the election of the higher State officials often arouses strong political interest. Immediately after the nominations, the political parties enter upon the work of the campaign with great activity. The different parties appoint their committees in county, town and district to carry on the local preparations. Numberless political meetings, addressed by speakers brilliant or otherwise, pamphlets, newspapers and other printed matter, are the means used to influence the votes of the electors; while showy parades and various other spectacles keep up the popular excitement.

All this is not without its evil effects. Private interests are neglected and forgotten; bitter animosities spring up; fraud and deception become prominent agents in the work; and the entire business of the country is paralyzed. But on the other hand, there are many good results. The ignorant voter becomes enlightened on matters of government; the conflict between right and wrong is kept under way; party issues are brought to the foreground; and dishonest candidates and measures become well understood by the people.

II. REGISTRATION. Some States require *registration*, especially in the large cities. Each voter, within a specified time preceding the election, must go before certain officials appointed for the purpose, and satisfy them that he has all the qualifications required for voting in that particular election district. His name is then put down in the list of voters, and only those whose names are thus registered can vote on election day. This prevents much illegal voting, and does away with many hindrances which would otherwise arise during the election, from necessary examination of voters.

III. WHEN AND WHERE ELECTIONS ARE HELD. In most of the States, the general State election is held in October or November; but the presidential election is held in all the States at the same time, viz.: the first Tuesday after the first Monday in November.

Counties and towns are divided into election districts for greater convenience in voting. A place is selected in each one of these districts, usually as near its center as possible, for carrying on the work of election. This place is called the *polls* or *polling place*. Poll is a Saxon word meaning head, and has come to be applied to a person. Because the polls or persons voting are here counted, the place is called as it is.

The polls are generally open from sunrise to sunset on election day. This is presumed to give ample time for every voter in the district to reach the polling place and cast his vote.

IV. THE BALLOT. The essential feature of a vote by ballot is secrecy. It is this which promotes independence in voting, and prevents bribery, by making it impossible for one who has bribed a voter to be sure that his man will not play him false at the polls. All States attempt in their election laws to protect the voter in this secrecy. The States most successful in this are those which have adopted some form of the Australian Ballot System (so called because first practiced in Australia). According to this system, the government prints all the ballots, placing on each one the names of all the candidates of as many different political parties as have sent in their nominations to the proper officers. An officer at the voting place furnishes each voter with a ballot. Before the voter casts this ballot he makes a cross against the names of the candidates for whom he wishes to vote. This marking of the ballot is done at a desk where the hands of the voter are concealed from view. The ballot is then folded and deposited in the ballot-box. The polls are guarded against loafers. The number of voting places provided is large enough to give each voter plenty of time to mark his ballot. The blind and illiterate are assisted by one or more officers, often one from each political party. If the voting be in a place where registration is required, the voter's name is checked on the registration

list and added to the poll list, as soon as he has voted, and no one can vote under that name again that day.

V. INSPECTORS OF ELECTION. The officers who have charge of the polling place and the voting on election day are usually called *judges of election* or *inspectors of election*. Sometimes supervisors or other officials perform this duty. The number of these inspectors varies from two to five. They are allowed to select persons, usually two, to act as their clerks. Each clerk keeps a list of the persons voting, which is called a *poll-list*.

VI. CHALLENGING. If the inspectors themselves, or any bystanders, suspect that a person offering to vote has not the necessary qualifications, but is trying to cheat, they may question his right to vote. This is called *challenging* his vote. A person thus challenged cannot vote until the challenge is withdrawn, or until he himself makes oath that he is thus qualified, or until some other competent person proves his qualifications.

VII. CANVASSING OR COUNTING THE VOTES. In most States the polls are closed at sunset. The box is then opened and the votes counted by the persons in charge. If the number of ballots in the box corresponds with the number of names on the poll-list, it is presumed no mistake or fraud has occurred in the election. If, however, there are more ballots than names, in some States the election is void. In other States enough ballots are drawn at random from the box and destroyed to leave the number of ballots and names of voters the same. The official report of the votes, called a *return*, is then sent to the proper authorities or board of canvassers. The results of the election in the several districts of the town are computed together by the town canvassers, and the final result as regards town offices declared. The vote of each town is then sent in to the county canvassers, and the result in the county declared. To determine the election of State officers, or officers elected for districts comprising more than one county, the county canvassers all send in the returns from their counties to the State canvassers. Notices of their election are then sent to the officers elected, and in some States certificates of election are sent.

VIII. NUMBER OF VOTES NECESSARY FOR ELECTION.

Originally all elections were decided by the vote of the majority. In most of the States a plurality is now all that is required. The New England States still require a majority for some of their highest officers.

For a *majority* one man must have more votes than all the other candidates put together; that is, he must have more than one-half of the whole number of votes cast. A man has a *plurality* when he receives more votes than any other one candidate, although it may fall far short of one-half of the votes given. Suppose three candidates receive together 2000 votes; the first 900, the second 600, and the third 500. The first has more than either of the other two, and therefore has a plurality. He has not a majority, however, as that would require 1001 votes.

Neither of these methods works justice in all cases. Both are open to serious objections. A candidate may be elected by a plurality when a very large majority of the people vote against him. For instance, if out of 2000 votes one candidate receives 680, another 670, and a third 650, the first will be elected by the 680 votes, while 1320 votes will have been cast against him. But when a majority is required, it is many times difficult to reach a decision, as no one man may secure a sufficient number of votes. This usually necessitates another election, and often, by reason of this, offices are left vacant a long time.

IX. CORRUPTION. The greatest danger that threatens the Nation to-day lies in the corruption of our nominations and elections. The country has become so rich that unlimited funds can be had for the purpose of exerting fraudulent influence in these matters. The man who will sell his vote is contemptible; the man who will buy it is more contemptible. Yet in many communities there are hundreds and even thousands of commercial votes, and seldom any lack of purchasers.

Many illegal votes are smuggled into the ballot box through the carelessness or dishonesty of officials. Dependent men are forced to vote according to the will of their masters; weak men are terrorized by the strong; election returns are tam-

pered with by unprincipled officers; and fraud is practiced in all possible ways.

But there exists a certain remedy for these evils. The honest men in a community are always in excess of the dishonest. If the former would exercise the same degree of interest and vigilance in the affairs of government as the latter, right and justice would certainly prevail. If men of principle would make it their first duty to attend caucuses and nominating conventions, only honest men would be nominated. If honest men were nominated, honest men would be elected.

FOURTEENTH LESSON.

THE TOWN.

I. ORIGIN OF THE TOWN OR TOWNSHIP. The oldest institution of our present system of government is the town, or township, an institution existing more than two thousand years ago among our ancestors, the ancient Germans. They were a brave and warlike people, and in early times dwelt together in groups of families and kinsfolk, each household having a hut with dooryard and garden attached. But they pastured their herds in common, they brought their water from the same spring or stream, and cut their fuel from a common forest. Around each cluster of houses, as a means of defense, a hedge or ditch was made, called a *tân* (*toon*). Those living within this enclosure were *tânes-men*, and the land owned by them was the *tân-scipe* (*toon-skipa*) or township. The heads of the households met together frequently, around a sacred tree, to administer their affairs of government; to expel certain wrong-doers; to impose fines; to settle disputes; and to attend to all their common interests.

During the fifth century these Germans began to conquer Britain, and established there their customs and forms of local government. Two tribes, the Angles and Saxons, were the most prominent, wherefore the country became known as *England*, and its institutions as *Anglo-Saxon*. Hence, when the English established governments in America, the township institution was naturally among them. But the modern American township differs widely from the *tân-scipe* of our ancestors.

II. IMPORTANCE OF THE TOWNSHIP. In the New England States the town is the most important division of the State, and exercises nearly all the powers of local government. There the county is of little importance. In the Southern and extreme Western States the county is the most important State division; while in the Middle and some of the Western

States the powers of local government are quite equally divided between the two. But it must be borne in mind that the town does not exist in all the States, and where it is absent the county exercises all the powers of local government.

III. THE TOWN A CORPORATION. A *corporation* is defined as an *artificial person*. By this we are to understand that it is an association of natural persons, authorized by law to transact business as a single individual. Corporations are *Private* or *Public*. *Private Corporations* are those founded by private enterprise; as, for example, banks, insurance companies and railroads. *Public Corporations* are those created by the government for governmental purposes. Counties, towns, cities and villages are public corporations. They have, to a certain extent, power to buy, hold and sell property, and may sue or be sued as natural persons.

IV. TOWN MEETING. The people of each town meet together once a year, to elect officers and transact certain other business. This meeting is usually held in the largest village, or the one nearest the center of the town. Some towns own halls in which their meetings are held; in others churches or school-houses serve the purpose. An officer, called the *Moderator*, is elected at each meeting, to act as its presiding officer.

In giving notice of a town meeting, all questions that will be presented for discussion must be clearly stated, so that everyone may have time to consider them and form opinions before the date of the meeting.

Besides electing the town officers, the electors, at this meeting, vote a tax for school purposes, for highways, and for other town expenses. They decide what salaries shall be paid town officials, and pass regulations for the coming year. They also receive the reports of the town officers of the past year.

In the work of this meeting, aside from the election of officers, it will be seen that the representative system is done away with, and we have an example of pure democracy.

V. TOWN OFFICERS. A large majority of the town officers are elected annually, and all of them are required to take the oath of office; that is, they swear to faithfully perform their duties.

1. Selectmen, Supervisor, Trustees or Council.—The town, as we have seen, is a corporation, and therefore acts as a single individual. But it must act through some natural person or persons, who are its agents.

In some States, especially the New England, there are several persons who fill the chief office of the town and represent it as agents. They are usually three or more in number, and are called *selectmen*. In other States these officers are called *trustees of townships*, and sometimes the *town council*. In still other States one officer represents the town, and is called the *supervisor*.

In the New England States, where the town is the most important State division, the powers and duties of its officials are much greater than those of the county officials. In States where the county is the chief division, the reverse of this is true.

The New England selectmen issue the warrants for the regular town meeting, and may at any time call a special meeting, provided they give notice of the objects for which the meeting is called. They represent the town in all State and county matters, and in the courts, whenever the town is party to a law-suit. They grant licenses, impanel jurors, register voters, lay out town roads, and attend to many other things. In short, they administer the government of the town during the time between the town meetings.

2. Town Clerk. This officer holds a position of great importance. He is required to keep a record of all votes passed at town meeting, together with the names of all persons elected to office. He administers the necessary oath of office to those elected. He records the proceedings of the selectmen or chief officers, and makes necessary returns to county or State officers. He keeps a record of the births, marriages and deaths in the town, and of the transfer of property. His duties, however, cannot be precisely stated, as they differ in different localities. He usually calls the town meeting to order, and presides until a moderator is chosen. He sometimes also acts as treasurer of the town.

3. Town Treasurer. Generally, however, a treasurer is elected for this office alone. His duty is to receive all sums of

money belonging to the town, and pay out the same as directed by law. He must make an annual report to the town of all moneys received and all paid out. He is required to give bonds for the faithful performance of his duties; that is, he makes a written agreement with the town that if he fails in performing his duties as required he will pay a certain sum of money as a penalty. But his own agreement is not enough; one or more other responsible persons must sign his bonds, by which they agree to pay the penalty in case the treasurer himself fails to do so.

4. Constables.—These officers are the police of the town, and execute the orders issued by the justices of the peace. They arrest persons charged with crime and have the custody of them. They see that order is preserved in the community; and if at any time they are unable to carry out their orders by reason of violence on the part of accused persons, they may call upon the people to aid them. If this is not sufficient, they may call upon the governor of the State, who in turn, if unable to quell the violence with the State forces, may demand of the President the assistance of the armed forces of the United States.

5. Supervisors or Overseers of Highways.—Usually each township is divided into road districts, for convenience in keeping highways and bridges in repair. Sometimes there is a *commissioner* or *board of commissioners* having general oversight of all the highways of the town. A single overseer or supervisor is appointed or elected over each district, to keep the roads and bridges in order throughout his special section. In certain States the county has direct superintendence of the roads. In some cases taxes are levied for this purpose, and common laborers hired to do the work on the highways; and in other cases each taxpayer may work out the tax himself, or pay it, as he chooses.

6. Overseers of the Poor.—The duty of these officers is to provide for the support of the paupers of the town who have no near relatives able to support them. In some States there is in each county a poor-house to which the town paupers are sent, and where each town pays for the support of its own

paupers. In other States each town provides a place for its paupers, or pays private individuals for their support.

7. Assessors and Collectors of Taxes.—The duty of *assessors* of taxes is to estimate the value of all taxable property within their respective sections. The *collectors of taxes*, after the estimate is made and approved by the proper authorities, collect the taxes which are assessed upon this property.

8. Other Officials.—In some States each town elects a *board of school directors* or *school committee*, which has general charge of the public schools of the town.

Various other inferior town officers exist in the several States. There are *field-drivers*, to take up stray live stock for safe keeping; *pound-keepers*, to care for the stray animals thus taken, until the owners call for them. There are *fence-viewers*, who settle disputes concerning division fences; and *sealers of weights and measures*, who examine and test weights and measures as to their accuracy.

Inspectors of election are town officers; so also are *excise commissioners*, whose duty it is to act upon petitions asking for the privilege of selling spirituous liquors. There is also sometimes a *game constable*, who looks after the laws for the protection of game.

Justices of the Peace are elected by the town, but their duties will be given under the STATE JUDICIARY.

FIFTEENTH LESSON.

THE COUNTY.

I. ORIGIN OF COUNTY. Formerly certain districts in England, which were governed by earls or *counts*, were called *counties*, a name which was introduced into England by the Normans. A county was also called a *shire*, because it was a *share* or part of the whole country. Our principal State subdivisions are called *counties*. The chief place in the county is called the *county-seat* or *capital*, and contains the court-house, jail, and other county buildings.

II. COUNTY OFFICERS. The officers of the county are either elected by the people or appointed by the proper authorities. Their terms of office vary from one to four years.

1. County Commissioners.—As we have already seen, the county is a corporation and must be represented by natural persons, the same as the township. The persons who thus represent the county and administer its government form a board of *County Commissioners*, usually three in number. As a rule these officials are chosen for this purpose alone, though in a few States the *Supervisors* of the several towns constitute the board which exercises such powers for the county. These commissioners, or the supervisors, must see that the laws pertaining to the county are faithfully executed. They have charge of all property belonging to the county, including the erection and repairs of county buildings, the court house, jail and others. In States where the county is of more importance than the town, this board has supervision of schools, taxes, roads, ferries, bridges, etc.

2. The County Clerk: Recorder.—There is in each county a recording officer, who records, in books provided for the purpose, all deeds, mortgages, wills that have been probated or proved according to law, and such other written instruments as are by law required to be recorded. This

officer is usually called a *Register* or *Recorder*. Sometimes the work is divided among several officers, a *Recorder of Deeds*, a *Register of Wills*, and others. In other States all the duties of recorder are attended to by an officer called the *County Clerk*, who is at the same time clerk of all the courts of record in the county.

In this work of recording, the matter of time is a most important factor. Every paper is marked with the exact day of its presentation, and many are marked with the exact hour of the day. This is necessary in order to fix the precise date of the claim. If a man should take a mortgage on certain property and neglect to record it at once, the owner of the property might, in the meantime, give a second party a mortgage on the same property, which, if presented for record but one minute before the first, would take precedence.

3. The Sheriff.—The principal officer of the English county or *shire* was called a *shire-reeve* or *sheriff*. Thus the chief executive officer of our county is called *Sheriff*, and his office is an important one. He is the constable of the county, and is assisted in his work by deputies. He attends the courts, where he keeps order, and executes all their decrees. He arrests persons charged with crime; is responsible for the safe keeping of all prisoners; and has the care of the county jail. The jailer is usually named by him, and is often one of his deputies. The sheriff must preserve the public peace, and may at any time summon the inhabitants to assist him in so doing; and, if necessary, he may through the Governor and President, call to his aid the armed forces of the State and Nation. If any persons break the public peace, he may force them to give bonds for orderly behavior and appearance at the next county court. If they refuse to do so, he may commit them to jail.

4. Coroners.—Each county has one or more coroners, whose chief duty is to investigate cases of sudden, mysterious or violent death, or death in prison. When such a death occurs, a coroner is informed of the fact as soon as possible. He summons a jury from among the bystanders, subpoenas witnesses, and carefully examines into all facts concerning the death.

The jury renders its written opinions or verdict as to the cause and manner of death. This entire proceeding is called a *coroner's inquest*. The coroner need know nothing of medicine, though physicians are usually selected for that office. Massachusetts has abolished the office of coroner, and entrusted all such investigations to physicians in general.

5. The District Attorney.—This official is a lawyer who acts as attorney for the county. He attends all the criminal courts of the county, and conducts the prosecution of persons charged with crime. Although his jurisdiction extends only over the county, he is in one sense a State official, since all crimes are considered as committed against the State. In prosecuting a criminal, therefore, he is acting as agent of the State, and is often called *prosecuting attorney* or *State's attorney*. He conducts suits for the county whenever it is a party to civil actions, and also gives legal advice to county officers when asked to do so.

6. Treasurer and Auditor.—Each county has a *Treasurer*, who receives and pays out its moneys according to law. In some States there is an *Auditor*, who examines and adjusts all the accounts of the county. Where there is no auditor, the treasurer performs the duties of that office in addition to his own. Both these officers are required to give bonds, as are all officers entrusted with the handling or care of public moneys and other public property.

7. Superintendents of the Poor.—These officers have general charge of the county poor-house. They appoint persons to take care of this institution, and they render account to the board of county commissioners or the board of supervisors of all matters pertaining to the care of the poor.

8. Judicial Officers.—There are also county judges, and justices of sessions, whose duties are confined to court matters. These duties will be given under the JUDICIAL DEPARTMENT OF THE STATE.

9. Other Officers.—In States where the township does not exist, and in States where it is of small importance, there are county *assessors* and *collectors of taxes*. There are sometimes county *surveyors* and *superintendents* or *commissioners of schools*.

CITY AND VILLAGE.

I. REASONS FOR INCORPORATION. Whenever a particular portion of a town becomes thickly populated, it requires a different government from the rest of the town. The houses are so close together that the danger of fire becomes greater, and a fire department is needed; while sidewalks and lights are necessary for the convenience of the many people passing along the streets. In cities, where the population is still larger and denser than in the villages, additional regulations are necessary, as police, paved streets, water supply, drainage, etc. Since the town government has no jurisdiction in regard to such matters, these thickly-peopled sections are organized under authority from the State into separate corporations, with the power to regulate their local affairs.

II. HOW INCORPORATED. The first move in the matter of incorporation is made by the people themselves. Whenever a majority of the inhabitants of a given locality become convinced that a different government is needed, they petition the Legislature of their State for incorporation as a village or city, according as the population is greater or less. The Legislature then grants them a charter. This is a written instrument giving certain powers and privileges to the corporation; it also describes the boundaries of the village or city, and names the officers it shall have, together with their powers and duties.

In some States the Legislature is required by the State constitution to pass a general law providing a way in which any place may become an incorporated village by the action of its people, without a special law or charter.

Incorporated cities are common to the whole United States; incorporated villages are found only in certain States. In Connecticut and Pennsylvania an incorporated village is called a *borough*. The name village is often applied to a small unincorporated community where the houses are near together.

III. CITY OFFICERS.

1. Mayor.—The mayor is the chief executive officer of the city, and occupies an important position. His duties are many and varied. Among others, he sees that the laws of the city

are properly enforced, and has oversight of all subordinate officers. He usually has the power to veto ordinances passed by the city legislature.

2. Aldermen.—A city is divided into sections of a size convenient for administering the city government. These divisions are called wards. Ordinarily in each ward two aldermen are chosen, though in some cases there are more, and in others but one. Occasionally two or more wards together have but one alderman. These officers have charge of the affairs of their particular sections, and rank next to the mayor in authority.

3. City Council.—The mayor and aldermen together constitute the *city council*. In some instances this council is divided into two branches, a *common council*, whose members are chosen each year, and a *select council*, whose members are chosen for a longer term. This council has legislative power, and may pass such laws for the city as seem advisable. These laws are called *ordinances*. The city, however, is not governed alone by the laws of its council; it is subject to State legislation the same as all other portions of the State. Its laws are simply of a local nature, and must not conflict with the laws of the State or Nation.

4. Other Officers.—In addition to the officers already mentioned, there are numerous others of less importance: a *board of education*, a *city clerk*, *assessors* and *collectors of taxes*, *constables*, *auditor* and *treasurer*, *overseers of poor*, *superintendent of streets*, *engineers of fire departments*, *inspectors of election*, *police officers*, etc. The duties of these officers are similar to those of corresponding officers of town and county.

IV. VILLAGE OFFICERS. In some States the chief executive officer of a village is called *president*, and in others *mayor*. A board of *trustees* or *directors* exercises powers similar to those of the board of aldermen in a city. The president is usually chosen by the trustees from among their number.

In some States the name of *town* is applied to incorporated villages, and sometimes the board of trustees is called the *council*.

SIXTEENTH LESSON.

THE LEGISLATIVE DEPARTMENT.

I. HOW COMPOSED. Experience has shown that two bodies of men dispose of a question more wisely than one. It is certain that more time is taken in discussing it, and more care used in passing judgment upon it. Consequently there is less danger of mistake and fraud. For this reason all the State Legislatures are composed of two houses—a Senate and a House of Representatives. These are often called the *upper* and the *lower* house. In some States the lower house is called the *assembly*, and as a rule both houses together are styled the *general assembly*.

II. ITS CHARACTER. Both houses of the Legislature are representative bodies, the members being elected directly by the people. The House of Representatives is a much larger body than the Senate. It numbers generally from one hundred to two hundred members in the different States. The Senate is supposed to be a more select body. Its members represent larger districts, and are chosen by reason of their superior ability and experience in affairs of government. Their number is usually from twenty-five to fifty.

III. QUALIFICATIONS OF MEMBERS. Formerly a great variety of restrictions existed in the several States concerning eligibility to the office of senator or representative. Many States required the possession of a certain amount of property; some prohibited clergymen and teachers from becoming members; and still others required superior ability and learning. Even now there is a provision in the constitution of Kentucky to the effect that “no clergyman, priest or teacher shall be eligible to the general assembly.” A few other States also prohibit clergyman from becoming members. But of late years the tendency has been to remove as many restrictions as possible, and the few remaining relate almost wholly to age and residence. Of course it is always necessary for a person

to be a qualified voter in order to be eligible to a seat in the Legislature. Certain States require a member to have greater age and longer residence than are required of a voter; and in some States the age and term of residence of a senator must be greater than that of a representative.

IV. TERMS OF OFFICE. With few exceptions, the term of office of the senator differs from that of the representative, being usually double the length. The rule is four and two years respectively. These terms are never longer, but sometimes shorter. For instance, in some States the senator's term is one year, in others two years, and in still others three years; while sometimes, especially in the eastern States, representatives are elected annually.

In the lower house the terms of the members all end at the same time. The upper house, when the term of its members exceeds one year, is usually divided into classes; two classes if the term of office is two years, three classes if three years, and four classes if four years. The members of one class go out of office one year, of another class the next year, and so on. To illustrate this, suppose a State is divided into forty-five districts, each district electing one senator whose term of office is three years. In 1898 fifteen districts would elect senators, in 1899 fifteen of the remaining districts, and in 1900 the last fifteen districts. In 1901 the first fifteen districts would again elect members, the others having served since 1898, or a term of three years.

V. SALARY OF MEMBERS. Each senator and representative is paid a salary fixed by the law of the State.

VI. APPORTIONMENT. Some States are divided into districts, in each of which a senator is elected; and into smaller districts, each of which is entitled to one representative. Other States do not make a separate division for this purpose, but simply elect members of both houses by counties. This work of dividing a State and assigning members to the different portions is called *apportionment*.

Both of these methods of apportionment aim at the one object—equal representation; that is, giving a member to the

same number of inhabitants throughout the State. Where the members are apportioned among the counties, each county has such a part of the whole number of members of each house as its population is a part of the whole population of the State. If a State Legislature consisted of forty senators and one hundred and sixty representatives, and a certain county of that State contained one fortieth part of the whole population of the State, that county would elect one senator and four representatives. Where the State is divided into special districts, all the senatorial districts contain, as nearly as may be, the same number of inhabitants; and all the representative districts are substantially equal in population. Sometimes two or more counties are united in forming senatorial districts, and sometimes counties are divided in forming representative districts. In New Hampshire and Vermont representatives are apportioned among the towns.

VII. THE CENSUS. If the population of a State always remained the same or increased at the same rate throughout the State, where a division into districts has once been effected, it would be a permanent one. But this is not the case. In some States the population increases rapidly in certain sections, while remaining the same, or even diminishing, in other localities. This is especially true in the Western States, where large cities grow up in a few years. After a time, then, the representation becomes very unequal. In order to remedy this, each constitution provides that a State census be taken at stated intervals—in other words, that the inhabitants be numbered—and that after each census a new apportionment of members of both houses be made among the counties, or the State divided anew into districts.

In some States the census is taken every ten years, and in others oftener, while some depend entirely upon the United States census, which is taken every ten years.

VIII. MEETING OF THE LEGISLATURE. The regular meetings of the Legislature take place either annually or biennially. Public opinion of late years seems to favor the latter method. States that have tried biennial sessions claim that the Legislature attends to all the real needs of the people as

well by meeting once in two years as annually. And, moreover, if any extraordinary circumstance demands attention in the meantime, the governor has power to call an extra session. In States which have annual sessions, it is said that the Legislatures, if they cannot find enough to do, know how to make something to do; and laws that are unnecessary must be harmful. Too much legislation may be worse than none.

Some constitutions limit the length of the sessions to forty, forty-five, sixty, ninety days, etc. In all such cases the established time may be exceeded, but only by the vote of a large majority. The constitution of Nebraska tried a remedy for too long sessions. It did not limit the time, but provided that members should not be paid for more than forty days. Some States pay an annual salary, and this method always has a tendency to shorten sessions.

IX. PLACE OF MEETING. The Legislature of each State meets at one particular place, fixed by the law of that State. This is called the *Capital*, since the city containing the seat of government must always be the chief city of the State, even though not the largest. Here is located the *State-house*, or as it is called in some States, the *Capitol*. The Legislature holds its sessions in this building. The chief State officers have their offices in the Capital City.

X. ATTENDANCE OF MEMBERS. All of the States especially provide against injury or interruption to the business of the Legislature. No member can be kept from attendance upon the sessions, or hindered in going to or coming from these sessions, by any prosecution at law, unless for crimes and misdemeanors. Each house may compel the attendance of absent members. The power to punish and expel members, and to punish officers and other persons who are disorderly in conduct, is also given each house.

XI. QUORUM. Each constitution expressly states what part of the members must be present in order to proceed with business. This number is called a *quorum*. In most States a majority of all elected is sufficient for a quorum. A few States require a greater number, as two-thirds or three-fifths.

XII. VACANCY. Sometimes a seat in the Legislature becomes vacant, either by the death, resignation or removal of a member. In such case the vacancy is filled by the election of another person, either at a special election called for that purpose, or at the next general election, or in whatever way the law of the State requires. But the member thus chosen to fill the vacancy, holds his office only till the expiration of the term of him in whose place he is acting.

XIII. POWER OF THE LEGISLATURE. The National Constitution, Congress, and the State Constitution are all superior in authority to the State Legislature; therefore no laws can be passed by the State Legislature that in any way conflict with these three powers. But as the National Constitution and Congress have jurisdiction only in those matters which affect the Nation at large, and as the State Constitutions, in general, only prohibit the Legislatures from making oppressive laws, or laws that would in any way endanger the rights of the people, it will be seen that in all local matters the State Legislature has extensive powers.

XIV. PUBLIC PROCEEDINGS. A man who employs a carpenter to build a house for him has the unquestionable right to inspect the work as it progresses. A person who employs an agent to buy or sell goods for him has the same right to look into the transactions of his agent. The people, who choose representatives to make the laws that govern them, certainly possess the right to know what their employees are doing. Therefore the constitutions provide that all business of the Legislature shall be open to the public. Only on rare occasions, when the good of the public demands secrecy, can the doors be closed against spectators. Each house is also required to keep and publish a journal of its proceedings.

SEVENTEENTH LESSON.

LEGISLATIVE DEPARTMENT, Continued.

I. ORGANIZATION. Each house assembles in its own particular chamber, and the oath of office is administered to the members. Officers are then appointed and the right of members to their seats is determined, each house having the sole power to decide who has been elected to it.

II. OFFICERS.

1. Presiding Officer.—This is the first officer chosen, and he is selected from among the members. He is usually called the *speaker*. In States which have a lieutenant governor, that officer presides in the senate, and is called *president of the senate*.

In case the presiding officer is absent, a temporary speaker or president is chosen, who is called speaker or president *pro tempore*. This is a Latin phrase, meaning *for the time*, and is commonly abbreviated *pro tem*.

The duty of the presiding officer is to see that the business of the house is conducted according to established rules, and that order is preserved. Like the chairman of an ordinary public meeting, he puts questions to vote, and then declares them carried or lost.

2. Other Officers.—The other officers of each house are not chosen from among its members. There is a *clerk*, who keeps a journal of proceedings and has charge of all other papers; a *sergeant at arms*, whose duty is to arrest members and other persons guilty of disorderly conduct, to compel the attendance of absent members, and to attend to all business of a like nature. There are also one or more *door-keepers*.

III. HOW LAWS ARE MADE. The State constitutions do not prescribe rules of procedure for the work of passing laws; but each Legislature establishes certain customs, from which it seldom departs. Sometimes, however, in cases of exigency, a law is passed without following any of the customary regulations.

1. Introduction of Measures.—When the two houses are organized and ready for business, a message from the governor is read to each by its clerk. This message contains a report of the condition of the State, and recommends the enactment of such laws as the governor deems advisable. But the measures recommended in this message are but a small part of the number which come within the action of the Legislature. Many are introduced by individual members, and others are in the form of petitions from the people of different parts of the State.

Measures may be introduced in both houses in exactly the same way. A few States have granted to the lower house the privilege of originating all money bills. But as both houses directly represent the people, there seems to be no ground for distinguishing between their powers, and all such differences are fast disappearing.

A large number of State constitutions provide that every law shall contain but one subject. This prevents a certain amount of dishonest legislation. In States where this provision does not exist, many objectionable measures are carried by being attached as side issues to some important central measure, while, had they been introduced separately, they could not have been passed.

2. Work of Committees.—There are so many different matters to be acted upon at every session of a Legislature, that it is impossible for the whole house to discuss each one separately with the care it demands. Committees are therefore appointed at the beginning of each session, consisting of from three to seven members, each committee having charge of some particular subject. There is a committee on railroads, on education, on banking, on insurance, on finance or the money matters of the State, and so many other subjects that every member of each house is on one and often several of them. These committees are called *standing committees*, because they continue throughout the entire session.

Upon the introduction of a measure to either house, it is at once referred to the proper committee. In case it should not come within the province of any standing committee, a *special* or *select* committee is appointed for this one occasion.

These committees meet in private rooms, at hours when the houses are not in session, and consider the subjects submitted to them. Any person wishing to be heard in regard to a measure, may come before the committee having it in charge, and there make his statements. Finally the committee reports to the house the result of its investigations and deliberations. If the report is unfavorable the measure seldom receives further notice. If a committee decides favorably upon a measure, its members draft the same in the form of a law, provided the measure had not been introduced in that form, and present it to the house, with a recommendation for its passage. This draft or form of a law is called a *bill*.

3. Three Readings.—Some State Constitutions wisely provide that a bill must be read three times loudly and distinctly and word for word before it can come to the final vote. In other States the first and second readings consist of merely reading the title or enacting clause, while the third time the clerk really reads the bill, unless it is a long one. As a matter of fact, however, many bills are passed when those voting have little or no idea of their contents. After the first and second readings, the bill is usually debated, and if the house so decides by vote, amendments are made.

4. Passage of Bills.—In most States the vote of a majority of the members present will pass a bill, but in others a majority of all those elected is necessary. This latter method makes the passage of good laws difficult, as well as the passage of bad laws; but it is thought that the benefit arising from the latter fact overbalances the disadvantage of the former. When a mere majority of those present is all that is required, unprincipled members take advantage of the times when a bare quorum is present to pass laws that would not be approved by a majority of the whole.

When the time for taking the final vote arrives, the speaker puts the question to the house. The presiding officer himself votes, except in the senate of States which have a lieutenant governor presiding. In that case he has no vote except in instances of a tie, when he votes to decide the question. His vote is then called the *casting vote*. In other cases of a tie, the bill is lost.

Many of the constitutions require that in all cases of voting a roll-call must be had. Each member voting *viva voce*, by word of mouth, as his name is called. This brings each individual member under the control of public opinion.

When a bill has passed one house, it is sent to the other, where it is acted upon in exactly the same way as in the first house. After it has been voted upon, it is returned to the house in which it originated. Sometimes, in the second house, the bill is amended; in which case the first house must agree to the amendment, or the second must withdraw it, or it must be modified until both houses approve it.

5. Governor's Veto.—As it is possible for both houses to assent to an unwise measure, a great many States have raised an additional safeguard against the passage of bad laws. They require the assent of the governor to bills that have passed both houses before they can become laws. The governor indicates his approval by signing his name to the bill after it has passed both houses, upon which it becomes a law. If he disapproves a bill, he returns it unsigned to the house in which it originated, stating his objections to it. This refusal to sign it is called a *veto*, which is a Latin word signifying *I forbid*.

A governor's veto, however, does not necessarily prevent the passage of a law. After his veto the bill may again be put to vote in the Legislature; and if it receives the required majority in both houses, it becomes a law without the governor's approval. The majority thus required is always greater than when the bill first passes the Legislature. Usually a two-thirds vote is required, and this may be either two-thirds of those present or two-thirds of the whole number elected.

6. When Laws Take Effect.—A law goes into operation the moment the last act is done, unless a different provision is made. It requires some time for all the people whom a law concerns to hear of it, and some of these people might violate it in the meantime; therefore a constitution or the law itself usually provides that such law shall not take effect until a certain time after its passage.

IV. ADVANTAGES OF STATE LEGISLATION. The advantage of State legislation is two-fold. The people of each State

are benefited by having their local laws made at home, by men who understand what is needed for that particular section; while the people of the whole United States profit by having so many small matters taken out of the hands of Congress, and leaving to that body time for the greater affairs of the Nation.

EIGHTEENTH LESSON.

EXECUTIVE DEPARTMENT.

I. THE GOVERNOR. The governor is at the head of the executive department, and has the highest duties of the State to perform.

1. Qualifications.—A person, to be eligible to the office of governor, must be above a certain age; must hold the right of franchise; and must have been for a certain length of time a citizen of the United States, and, for a term of years next preceding his election, a resident of the State. A very few States require the ownership of a certain amount of property. The number of years' residence required in the State and the United States differs greatly in the different States. The age of the person also varies, but usually it must be thirty years or more.

2. Election and Term of Office.—The people vote directly for governor. His term of office varies from one to four years in the several States. In case the elections result in no choice, as may well happen in States which require a majority to elect, the Legislature elects one of the two candidates receiving the highest number of votes. The right of re-election is unlimited in most of the States.

3. Powers.—Nearly all the powers and duties of the governor are executive. His first and chief duty is to see that the laws of the State are properly executed. He represents the State in its dealings with other States. He sends messages to the Legislature, and may call special sessions when some extraordinary circumstance demands immediate attention. He is commander-in-chief of the militia when it is not employed in the service of the Nation, and can call it out in times of insurrection. He has the authority to demand at any time, from the different executive officers, information in regard to all matters in their respective departments.

The governor has no direct legislative power, except in most States the right of veto. He may influence legislation by the measures suggested in his messages, but he cannot make a formal proposal of a law.

His judicial powers are few. He may grant *pardons* and *reprieves*, but as a rule this power is greatly limited. In cases of impeachment, and in some States of treason, he has no power to interfere with the decision of the courts. Ordinarily he can exercise this right only with the approval of other high officials; and more often he is required to give the Legislature his exact reasons for using the power. He may also *commute* a sentence; that is, he may substitute for one punishment another less severe, as when he changes a death sentence to imprisonment for life or a term of years.

He also possesses the power of appointment, but it varies greatly in the several States. In a few he appoints all the higher executive and judicial officers, as the secretary of state, the attorney-general and the court judges. Usually, however, all the higher officers are elected by the people, while the governor appoints only some minor officials, such as notaries. He often fills by appointment, until an election can be held, vacancies that occur in executive and judicial offices through death, removal or resignation. He has numerous other duties.

4. Vacancy in Office.—If the office of governor becomes vacant at any time during the term, the lieutenant-governor, when there is one, fills the vacancy for the remainder of that term. After him the president of the senate, and then the speaker of the lower house, act as governor. When there is no lieutenant-governor, the president of the senate generally comes first, though sometimes the secretary of state takes precedence in the succession.

II. THE COUNCIL. In a very few States there is a body of advisers to the governor, called a *council*. This council is elected by the people, and many times its consent is necessary to certain official acts of the governor.

III. THE LIEUTENANT-GOVERNOR. The duties of the lieutenant-governor are always few. The most important one

is presiding in the senate. This office seems to exist chiefly for the purpose of providing a suitable person to succeed the governor in case of the latter's death, resignation or removal. In many of the States there is no such officer.

IV. THE SECRETARY OF STATE. A prominent foreign writer, in speaking of this official, says that, in spite of his high-sounding title, he is simply chief clerk and keeper of the State seal. He has charge of all the State records and other papers. He must keep a written record of the proceedings of the Legislature and of the executive departments. He is sometimes appointed by the governor, sometimes by the Legislature, and otherwise elected by the people, as is the case with all the following officers.

V. THE COMPTROLLER OR AUDITOR. The money matters of the State are all managed by this official. Claims against the State are examined and settled by him; he oversees the collection of State moneys; and at his order the State treasurer pays out necessary funds. He is required to give bonds.

VI. THE TREASURER. The treasurer has charge of the State moneys, and keeps account of all sums received and paid out. He also must give bonds.

VII. THE ATTORNEY-GENERAL. A lawyer who is chosen to have charge of the legal matters of the State is called *attorney-general*. He acts as adviser and instructor to the Legislature and executive officers, concerning matters of law upon which they consult him. He conducts law suits in which the State is a party, as prosecuting persons indebted to the State, and causing persons charged with certain crimes to be brought to trial.

VIII. OTHER OFFICERS. In some States there is a *surveyor-general*, who superintends the surveys of State lands and keeps in his office maps of the State and its divisions; a *superintendent of public instruction* or *superintendent of schools*, who has oversight of the public schools of the State; a *State printer*,

who prints the laws and State papers; and a *State librarian*, who has charge of the State library. There are still other officers in most of the States.

IX. SALARIES. The executive officers all receive salaries fixed by the laws of the State.

NINETEENTH LESSON.

JUDICIAL DEPARTMENT.

I. ANCIENT COURTS OF JUSTICE. Governments may neglect the welfare of their subjects, and in themselves be despotic to the highest degree; but there is one thing which every government must do in order to exist—it must administer justice between man and man, by punishing the wrong-doer, and protecting the life and property of each subject from the violence of others. Where this is not done, and each individual is left to follow his own will, to protect his own rights, and avenge his own wrongs, there is no government; there is anarchy.

Many centuries ago the Germans, in their township meetings, administered justice by settling the disputes of neighbors and punishing wrong-doers. After a time they formed a larger and more general government, by uniting several townships. This government was called the *hundred*, probably because the united villages together furnished a hundred warriors to the host that went forth to the wars of the country. In every hundred a court of justice was established, to which each of the townships comprising it sent representatives. In this court more important cases of dispute were settled than at the township meetings.

As we have seen, the Saxons carried their methods of government with them into England. To the hundred court there came a reeve and four best men from each township, together with twelve knights from the hundred.

In course of time the whole kingdom was divided into shires or counties, each comprising several hundreds; and a county court was established in each county after the model of the hundred court. To these higher courts the more important cases were taken, which could not be decided in the courts of the hundred.

In all these ancient courts the whole body of citizens who attended had part in the decisions. But in very early times,

special duties began to be assigned to special officers; and many of the offices thus created have come down to us through repeated modifications. Sheriffs, justices of the peace, constables and coroners fill these offices to-day, as then.

But, as the power of the kings increased in the realm, gradually these courts of the people died out or were greatly changed, until justice came to be administered almost wholly by the high courts of the king and his council and judges appointed by him.

The system of administering justice which had through centuries been developed in England was brought to this country by the English colonists; but they left behind them the customs of tyranny, and introduced only those which were best fitted to preserve the rights and liberties of the people.

II. JURIES.

1. Their Origin and Development.—Trial by jury is of such great antiquity that its origin is not clearly known. Some say that it originated in Greece, where was held the first trial by jury of twelve men. Others think that it was in use among the ancient inhabitants of England, the Britons. But it is more generally believed that it had its origin in the practices of the Saxons, and that the English system results from a union of Saxon and Norman customs.

In those early town meetings of the Saxons, a rule existed of allowing an accused person to produce twelve witnesses, who with joined hands made oath to the truth of his statements. These witnesses were called *compurgators* or *oath-makers*. Also one of the Saxon kings of England had twelve men selected from each hundred, whose duty it was to present for trial in court all persons suspected of crime in that hundred.

After the Norman kings came to rule over England, they adopted a custom of appointing twelve men to give under oath information to the king concerning the people and property of their neighborhood. In course of time any dispute over the ownership of an estate was left to the decision of twelve men selected from the vicinity of the estate under dispute. If the first twelve could not agree, others were added, until twelve men could be found who would make oath to the same thing.

Finally it came to be the custom to regularly summon twelve men from the hundred, and four from each township, who should present accused persons to the courts for trial. This body came to be known as the *grand jury*, to distinguish it from another and smaller jury of twelve men, called the *petit jury*. This latter jury was selected from the vicinity of the accused person, and, from their personal knowledge of the facts, either affirmed or denied the charges against him, thus deciding the case.

But in all these early juries the jurymen were themselves witnesses. They were chosen because of their personal knowledge of the cases, and their decisions were based upon that knowledge. Gradually, however, the system was modified. Special witnesses were summoned, who at first joined with the jury in giving the verdict, and afterward only gave information to them. Testimony was presented in open court, and witnesses were examined and cross-examined; judges instructed the jury; and attorneys argued the cases before them. And after many years still, jurymen were prohibited from being witnesses, and cases were decided entirely upon evidence presented in court.

2. Their Importance.—When a government or its officers have the power of accusing anyone of whatever crime they will, and at their pleasure bringing him to secret trial before prejudiced persons, who pronounce sentence according to the wish of the accuser, personal liberty becomes impossible. Therefore is the right of trial by jury, of trial by an unprejudiced body of one's equals, one of the most important rights a free people can have. In England, when the crown had usurped most of the ancient rights of the people, the Archbishop of Canterbury, together with some of the powerful barons of the realm, forced King John, at Runnymede, to sign that famous charter of rights, called *Magna Charta*, by which the old rights and customs of the people were restored to them. Prominent among these was the right of trial by jury. Only in England and in governments founded by Englishmen has this system been fully developed and preserved. With the English it came into America, where it has always been most

jealously guarded by the people of the United States. The National Constitution in various provisions, and also the State constitutions, secure this right to the people.

3. Juries of this Country.—We have in this country the two juries, *grand* and *petit*. The one decides whether the evidence against an accused person is sufficient to warrant his trial; and the other, upon trial, decides whether the person is guilty or innocent of the crime charged against him; or, in cases not criminal, whether the one or the other side is in the right.

4. The Grand Jury.—It may often happen that persons are spitefully and maliciously accused of crimes which they have never committed. It would be cruelty to subject innocent persons to the hardships of a trial, and it would also waste the time of the courts and incur uncalled-for expenses. The grand jury is a safeguard against this evil.

This jury is in number not less than twelve nor more than twenty-three, and is summoned in every county several times during the year, to inquire into the crimes committed in that county. Usually State constitutions provide that no person can be tried for a criminal offense, except a petty one, unless upon indictment or presentment by a grand jury. Some one, generally the prosecuting attorney, brings before the grand jury a *bill of indictment*, which is a written accusation against some person, charging him with a crime. The jury then summons the witnesses, none in favor of the accused being here allowed, and the examination is conducted in secret. If twelve of the jurors vote that there is sufficient evidence of guilt to warrant a trial, the foreman of the jury writes across the bill of indictment “a true bill,” and sends it to the court; if, on the contrary, the evidence is insufficient, he writes “not a true bill” or “not found,” and there is an end of the matter.

Sometimes a grand jury, from their own knowledge or observation, charge a person with an offense. This is called a *presentment*. But the prosecuting officer must afterward frame a bill of indictment before the accused party can be brought to trial.

5. The Petit Jury.—This is the trial jury. In all the higher courts it consists of twelve men, and in justices’ courts of six. At every term of court, petit jurors are summoned to

serve during that term, which usually lasts one or two weeks. They listen to the testimony on both sides of a case, and then render a decision; but the members of a trial jury must unanimously agree before a decision can be reached.

6. Selection of Jurors.—Both juries are drawn by lot by the proper official, and the list of names from which the jurors are selected is made according to the State laws, which laws vary in the different States. Generally the authorities of every city and town, or sometimes county, put into a box the names of all persons within such city, town or county as are qualified to serve as jurors by the State laws; and names are then drawn from the box. If both grand and petit jurors are wanted, usually the first twenty-three drawn are summoned as grand jurors, and those that follow as petit jurymen. As a general thing, enough petit jurors are drawn to supply two or three juries; for some may be prejudiced concerning particular cases, and objections will be made to their serving on those trials; while others may not be able to serve, and will be excused by the judge. No one is called upon to discharge this duty, which is many times very burdensome, oftener than once in a certain number of years, usually three.

7. Duty of Jury Service.—It is difficult to obtain a well qualified jury. The duty of a jurymen is often tedious and slightly paid; and many men, rather than leave their private business, pay a fine, or are excused by the judge for trifling reasons. This often leaves the work in the hands of idle, ignorant, and unprincipled men, who are glad to serve for the small sum paid; and these men decide many of the important cases in court. Such juries are easily bribed, and no one is sure of justice when they are serving. This has come to be so great an evil that many think it would be better to do away with juries entirely, and leave cases to be decided by honest judges. The trouble, however, is not with the system itself, for the history of all nations proves the jury to be the fairest and least corrupt of any system of trial ever used. It is the carelessness and neglect of the people themselves that have brought it to its present ill repute. It is plainly the duty of the citizen to serve as juror when summoned.

III. THE WRIT OF HABEAS CORPUS.

1. Its Origin.—Magna Charta provided that no person should be imprisoned unless by the legal judgment of a jury of his peers. Yet, by the king's warrant, persons were still sent to prison and kept there without help. But Parliament after a time passed the famous *Habeas Corpus* Act, which effectually remedied this evil.

2. Definition.—A *writ* is a written instrument issued by a court, commanding a person to do some particular thing therein specified. Formerly all the writs of England were in Latin and the words *habeas corpus* are Latin words, signifying "you may have the body." A *writ of habeas corpus* is a writ, issued by a judge having competent authority, commanding the officer or any other person who holds some one named therein in custody, to bring such prisoner in person before the court at a certain time and place, with the cause of his imprisonment.

3. When Used.—It may happen that a person is unlawfully arrested and imprisoned for alleged crime, or that some one is locked in a room, or that a child is unlawfully kept in custody. In such cases the prisoner, or anyone acting for him, may apply for a writ of *habeas corpus*, and thus obtain a hearing before the court, and have the charges against him examined. If the court, upon investigation, considers the imprisonment illegal, it demands his discharge; otherwise he is sent back to prison. This proceeding does not determine whether a person accused of crime is guilty or innocent, but simply whether he is legally deprived of liberty at the time of inquiry.

4. Its Importance.—The writ of *habeas corpus* is the most famous writ in the law, and is considered the greatest security of personal liberty known to our institutions. It has been enacted among the laws of every State; and so important is it considered, that State constitutions many times contain provisions prohibiting the suspension of its privilege, except in cases of rebellion or invasion. The absence of such a law in other governments has been, and is now, one of the chief sources of despotism. Kings and their ministers and other officials can then imprison any man without cause, and keep him in confinement at their pleasure.

TWENTIETH LESSON.

JUDICIAL DEPARTMENT, Continued.

I. CASES AT LAW. All cases at law are divided into two classes, *civil* and *criminal*.

1. Civil Cases.—These are cases in which one person prosecutes another for the enforcement or protection of a right, or the redress or prevention of a wrong. If one person sues another for debt, or for damage to property, or for slander, the action is *civil*.

2. Criminal Cases.—In criminal cases one party to the suit is the State, and action is brought in order to punish some one for a criminal offence. Offences that imperil life, liberty, health, property and reputation are crimes, and are considered as offences against the government, because they endanger the public peace and welfare. The higher offences, as murder, arson, burglary, etc., are always called *crimes*; while offences of a much less degree of guilt, although really crimes, are called *misdemeanors*.

II. THE STATE COURTS. A court consists of a judge or judges sitting on the bench, for the purpose of administering justice. The courts of the different States vary so greatly as to name and powers that it is possible to give only a very general discussion of them here.

1. Justice's Court.—This is the court of greatest antiquity in the land. It corresponds to the ancient court of the hundred; and in some States, as Delaware, the name hundred still remains. It is also the humblest court. There are usually several Justices of the Peace chosen annually in each town or similar division, and each presides in a court of his own, where he hears and decides cases at law. In this court are tried civil cases in which the value in dispute is small; in some States it must be less than \$50, and in others \$100, and still others \$200; also persons are here tried who have committed petty offences. Cases may be appealed from this court to higher courts, as far as the law will allow.

2. Circuit Courts.—For judicial convenience every State is divided into districts, each usually comprising several counties. In each district a court is held, called a *circuit* or *district* court; and in some States it corresponds to the *superior* court. They are called circuit courts because the law usually requires the court to be held once or twice a year in each county of the district, and the judges thus have to travel from one county to another.

In these courts the great majority of our trials are held. They have *original* jurisdiction of nearly all classes of cases, both civil and criminal; which means that such cases may originate or be commenced in these courts. They may also hear appeals from lower courts, or, in other words, have *appellate* jurisdiction in such cases.

3. Probate, Orphans' or Surrogates' Courts.—These courts settle the estates of deceased persons. There is usually one in each county, consisting of a single judge. They take proof of wills and empower the executor to act. The *executor* is the person named in the will to carry out its provisions. When no will is left, these courts appoint an *administrator*, who distributes the personal property among the heirs, but who has no jurisdiction over the land owned by the deceased. These courts have special care of the estates of minors whose parents are deceased; and guardians are appointed by them. They decide disputes arising over the settlement of estates; and they have power to remove an executor or administrator who is unfaithful in the performance of his duties.

Cases may be appealed from these courts to the Supreme Court, and sometimes to the Circuit Courts.

4. Supreme Court; Court of Appeals.—The highest court in each State, of which there is only one, is usually called the *Supreme Court*. In some States, however, the highest tribunal is called the *Court of Appeals*. This court is presided over by a chief justice and associate judges. It seldom has original jurisdiction; but cases both civil and criminal are appealed to it from the lower courts. It interprets the constitution and laws of the State, by deciding how the law applies to particular cases; and the lower courts must follow

its decisions. The clerk of this court keeps an elaborate record of its proceedings, which are published for the benefit of the lower courts and of attorneys.

5. Court for the Trial of Impeachments.—When a public officer is accused of corrupt conduct in office, as bribery, treason, or other offence, then it is the duty of the lower house of the State Legislature to examine into the case. If they find sufficient evidence to warrant a trial, they *impeach* him; that is, they make a formal charge against him, which amounts to the same as an indictment. The senate then, following the usual proceedings of a court, tries the offender. When trying these cases, the senate is called the *court for the trial of impeachments*. The method of impeachment and its trial is fully given hereafter in connection with the National Legislature.

6. Other Courts.—There are also various other courts existing in the different States.

1. *Police courts* are often held by police judges in the cities; and in the large cities there are generally other city courts.

2. *Courts of sessions* and *courts of oyer and terminer* have jurisdiction in criminal cases.

3. *County courts* or *courts of common pleas* are higher than justices' courts, and have jurisdiction in civil cases.

4. *Courts of chancery* or *courts of equity* exist in a very few States. They have jurisdiction in certain cases in which other courts in the State have not.

III. ELECTIONS, TERMS AND SALARIES OF JUDGES.
The judges of the State courts are either elected by the people or the Legislature, or are appointed by the governor with the approval of the State senate. Their terms of office vary. In the higher courts they are from two to twenty-one years, though in a few States the higher court judges hold office for life or until seventy years of age. Their salaries are fixed by law.

IV. PROCEEDINGS IN A CIVIL CASE.

1. Summons.—The court, at the request of the plaintiff, or party bringing the suit, issues a writ, which is served upon the defendant, or party defending the suit, summoning him

to appear in court. He may, instead of appearing in person, have his attorney or counsel file a notice in the clerk's office. But, in case he does neither within a certain time, the plaintiff may take judgment and have it executed at once.

2. Pleadings.—If the defendant appears, either in person or by the action of his attorney, the plaintiff then serves or files his written *complaint*, and the defendant serves or files his written *plea* or *answer*. These papers are called the *pleadings*. The court examines them, and, if the facts set forth in the two papers agree, it makes a decision without the form of a trial. Otherwise a trial is necessary to settle the dispute.

3. Jury.—By mutual consent of the parties the trial may be had before the court alone; but, as in many cases either party may demand a trial by jury, most cases are so tried. From among the petit jurymen summoned to that term of court, twelve are chosen by lot for each particular case as it comes on for trial.

4. Trial.—Either party may summon the other to trial as soon as the pleadings are filed or served; and, if either fails to appear at the trial, the other may have judgment against him. Witnesses are compelled to come by *subpoenas* or writs issued to them by the court, commanding them to attend, under heavy penalties if they do not. Every trial is presided over by a judge.

The plaintiff's counsel opens the trial by stating what the case is, and then passes on to the examination of the witnesses on his side. The defendant's counsel has the right to cross-examine any of these witnesses as the trial goes on. The defendant's counsel then proceeds in the same manner, after which he makes an argument or sums up his side of the case. The plaintiff's counsel closes with his argument.

If the trial is by jury, the judge then charges them, briefly going over the case and instructing them concerning the law as it applies in that case.

5. Verdict.—After the charge the jury retire to the jury room for secret consultation. They are then not allowed to communicate with anyone save the judge. If they cannot

agree, they are discharged, and a new trial may be had. If they find a verdict, the foreman of the jury, upon their return to the court room, so informs the court. Usually the jury fixes the amount of damages, and this is named in the verdict.

6. Judgment.—After the verdict of the jury, or the decision of the court, if not a jury trial, *judgment* is filed or recorded. A part of this judgment is the sum of money allowed the successful party for the *costs*, or expenses of the trial.

7. Appeal.—If the defeated party thinks there has been an error of any kind in the trial, he may apply for a new one; and, if this is not granted, he may appeal the case to the next higher court. This court simply examines the proceedings of the lower court in the case, and, if no error is discovered, it affirms the judgment. But if even a slight error is discovered, it reverses the judgment and grants a new trial, which is conducted in the same manner as the first. In many cases, if either party then desires, he may appeal to a still higher court, and so on as far as the law allows.

The great majority of cases at law begun in the State courts cannot be appealed to United States courts, but must be finally settled by the judiciary of the State. The decision of the Supreme Court of the State is final, except in a certain class of cases named in the Federal Constitution.

8. Execution.—The carrying out of the judgment of the court is the *execution*. If a person does not pay the judgment obtained against him, the sheriff, by writ of execution from the court, seizes and sells his property to the amount of the judgment. Certain property, as household goods, laborer's tools and clothing, cannot be thus sold.

Formerly the debtor could be imprisoned until he paid the judgment. But this remedy has been universally abolished by the States, except in certain cases, such as fraud, libel, assault, etc.

V. PROCEEDINGS IN A CRIMINAL CASE.

1. Arrest and Examination.—It is usual in criminal cases, when the escape of the accused person is feared, not to await the action of a grand jury, but to have a complaint sworn

to before a justice of the peace or other magistrate upon which such officer issues a warrant for the offender's arrest. The person is then brought before the magistrate issuing the warrant and an examination of the case is made. If in the mind of the magistrate the evidence is sufficient to make a trial justifiable, he commits the offender to jail to await further action.

2. Bail.—If the crime is not punishable by death, the arrested person may give *bail*. To do this a bond must be given, by which certain persons agree to pay the State a sum of money named therein, if the accused does not appear when wanted. The prisoner is then released; but he is in the custody of his bondsmen, who, when provided with proper legal instruments, may arrest him in any State whenever they think best.

3. Habeas Corpus.—If, however, the prisoner is not out on bail, he may apply for a writ of *habeas corpus*.

4. Indictment.—Then follows the indictment by the grand jury, unless the offense is a petty one and not indictable. Often this is the first action in a criminal case, no arrest of the offender being made until after the indictment by the grand jury.

5. Trial.—If the prisoner has no counsel, the State furnishes him one, and the trial proceeds very much as in civil cases; though first the prisoner is called upon to answer the charges in the indictment. If he pleads guilty, he is at once sentenced; but if he pleads "not guilty," the trial proceeds. He has the right to a trial by jury in most cases.

TWENTY-FIRST LESSON.

TAXATION.

I. ITS NECESSITY. It is a self-evident fact that the existence of any government depends in large measure upon its power to command the necessary means of support. It will be remembered that one of the greatest defects of the Confederation was its inability to raise such funds. In this country there are officers of the Nation, State, county, town and district to be paid salaries; there are public buildings to erect and keep in repair, as the National Capitol, buildings of the National departments, State-houses, custom-houses, light-houses, court-houses, jails, and numerous others. The money needed for all this outlay must be raised by taxation, and the government does this by demanding of each taxable inhabitant a certain sum, regulated by law. As the government protects the property and persons of its citizens, justice demands that the citizens in return assist in supporting the government.

II. KINDS OF TAXES. Taxes are raised *directly* or *indirectly*. Herein lies the great difference between the National tax and the State tax. The Nation is supported almost entirely by indirect taxation.* Only in exceptional cases has the Federal government levied direct taxes, while the States raise nearly their entire income by direct taxation on person and property.

1. Direct Taxes.—These are taxes paid directly to the government as taxes, and are of two kinds, *poll* and *property* tax.

1. *Poll Tax.*—Some States levy a tax on every male citizen over twenty-one years of age, and others on every voter. This

* During the war of the rebellion the Federal government imposed a direct tax called an *income* tax, as a war measure. Again, in 1894, Congress passed a bill providing for a tax of 2 per cent. on all incomes in excess of \$4000. Certain important provisions of this law were declared unconstitutional by the U. S. Supreme Court.

is called a *poll* or *capitation* tax, because it is a certain sum on every *poll* or head. In general, this kind of taxation is unjust and oppressive, for it places the same burden on the man who does not own a dollar of property as on the millionaire. Some constitutions expressly forbid this tax; others are silent on the subject, leaving the matter to the discretion of the Legislature; while still others limit the amount of the tax to a small sum, \$1.00 or \$1.50. In all cases where this method of taxation is used, the amount demanded of each individual is small.

2. *Property Tax*.—It must be plain to every intelligent mind that, in the matter of taxation, justice can only be had by taxing each person according to his ability to pay; that is, in proportion to the property he owns. This kind of tax is called a *property* tax, and is the principal source of income to the State and its subdivisions. Both real and personal property are subject to taxation, but a large proportion of the tax falls upon real estate. This is chiefly due to the inability of the assessor to discover how much personal property each one owns.

2. *Indirect Taxes*.—These taxes are so called because they are not paid directly to the government as taxes, but are included in the prices paid for goods. A merchant purchases a quantity of silks in France and brings it to this country to sell. When the goods arrive in port, our government, through its custom-house officials, demands a certain legal sum from him, called a *duty*. This sum goes toward the support of the National Government. The merchant, in selling his silks, adds to the price which would otherwise have been charged, a sum sufficient to cover this duty; and thus indirectly his customers pay the National tax. The government lays a tax on the manufacture of liquors and cigars; the manufacturers then add enough to the price of their goods to cover this sum, and again the consumers indirectly pay this tax.

The States themselves are expressly forbidden by the United States Constitution to lay taxes on imported or exported goods. The National Government alone possesses this power. But the States collect some indirect taxes, under the name of licenses for carrying on certain kinds of business, as that of selling intoxicating liquors.

III. VALUATION OF PROPERTY OR ASSESSMENT. As the income of the States is raised almost wholly by direct property taxation, we shall now deal only with this kind of tax. In order that each person may be taxed in proportion to the property he owns, it is necessary that a proper valuation be made of all the taxable property. This work is the duty of the assessors, whom we have already mentioned. They are required to make a list of all taxable persons in their respective towns or districts, together with the estimated value of each one's taxable property. The custom is to fix this valuation lower than the full market value of the property. It is quite important to every person that his property be not valued higher than that of others; and, if any person thinks the assessed valuation of his property too high, he may go before the assessors and ask to have it reduced.

On account of the difficulty in ascertaining the amount of each one's personal property, some States require taxable persons to furnish lists of all their taxable property. The assessors may then require these persons to make oath that they have given a true report of their property and its value.

IV. EXEMPTIONS. There are certain kinds of property which are usually exempt from taxation. In general, these are the public property of the State, county and town; cemeteries; public school buildings and churches with lands attached; charitable institutions; and a certain part of one's personal property, as the tools and utensils of laborers. In some States scientific and literary property are exempted.

V. APPORTIONMENT OF TAXES. When the assessors have estimated the value of all the taxable property in every town of the State, the next step is to discover what amount of tax each town must pay, in order to find out its rate of taxation.

The tax which each town must pay is made up of three parts: the sum needed to pay the expenses of the town for the current year, that part of the county tax which the town must pay, and the town's share of the State tax. The valuation of the entire taxable property of each county is sent to the State auditor or comptroller, who from it estimates what part of the State tax each county must pay, and informs the county com-

missioner or board of supervisors what that sum is. These county officers then add this sum to the tax which the county must raise for county expenses, and apportion the whole sum among the different towns of the county, according to the value of the taxable property of each, notifying the officers of each town what that town's share is. The town officers then add to this sum the tax to be raised for town purposes, and the result is the whole amount of tax to be raised by the town. This sum is divided among the taxable inhabitants of the town, in proportion to the assessed value of their property.

In cities and villages there is also a tax to be raised for the city or village expenses, and this must either be added to the other tax, or, as is usually the case, separately assessed and collected. In our country the State tax is usually much less than the town and county tax. The taxes in cities are very much greater than elsewhere.

VI. COLLECTION OF TAXES. In many of the States the town collector collects all the taxes for town, county and State; in others, the county collector makes all collections. When the town collector receives the taxes, he pays them over to the town treasurer, who deducts the amount of the town tax and sends the remainder to the county treasurer. He, in turn, takes out the county tax, and remits the balance to the State treasurer for State purposes.

VII. TAX SALES. The law specifies a certain length of time in which taxes shall be paid. If anyone neglects to pay his tax within this time, a fine or penalty is added. If he still refuses to pay after a further specified time, his property, if personal, is seized and sold at auction, or he is sued in the usual way. If his tax is on real estate, the property is sold at auction to someone who will pay the tax and expenses incurred; and a tax title to the property is given the purchaser. The former owner then has a right to redeem the property within a certain time fixed by law, usually two or three years, by paying the purchaser what he paid for taxes, with interest. The purchaser cannot take possession of the property until after the time for redemption has expired.

This description of the method of taxation applies to a great number of the States, but in others it varies in numerous details.

TWENTY-SECOND LESSON.

EDUCATION.

I. ITS IMPORTANCE. An ignorant people cannot carry on self-government successfully. Monarchical and aristocratic forms of government may be better maintained by keeping their subjects in ignorance; but for the continuance of democratic institutions, the education of the citizen is a necessity. Much of the prosperity of our Republic is due to the system of common schools established by every State in the Union, at which the children of all may be taught at the public expense, thus giving the children of the poor an equal chance with those of the rich for acquiring an ordinary education.

II. SUPPORT OF PUBLIC SCHOOLS.

1. Aid of Federal Government.—Neither the Articles of Confederation nor the Constitution granted the General Government any authority in regard to a system of education in the States; but it early recognized the necessity of such work, and has always found ways and means to assist greatly in the educational advancement of the people.

Besides the grants for the benefit of public schools, universities and colleges, described in the tenth lesson, at various other times gifts of land and the proceeds of the sale of swamp and overflowed lands have been granted the States by the National Government. Of these gifts a great part has gone into the States' educational funds.

In 1836 a surplus fund of about thirty million dollars had accumulated in the National treasury. By an Act of Congress this fund was distributed among the existing States, nearly all of whom appropriated their shares for the support of schools.

2. State Support.—The newer States of the West, being public-land States, have shared to a much larger extent in these land grants than the original States; but many of the latter have added the proceeds of the sales of State lands to the moneys received from the Federal government for a school

fund, so that every State in the Union has its system of free common schools. The interest of these funds is distributed among the schools of each State, usually in proportion to the number of school children. But this is only a small part of the money needed to carry on the system of public instruction; the large part must be raised by taxation. In some cases the State levies a tax for this purpose and apportions it among the schools.

3. Local Support.—In other cases the counties or towns levy a school tax, which is added to the State appropriations. Generally the township is divided into school districts, each one containing a common, district or public school, to which all the children of that particular district may go free of expense. Each district then raises by taxation an amount sufficient to cover all school expenses not provided for by other appropriations.

III. PUBLIC SCHOOLS OF THE STATE.

1. Ungraded Schools.—The country common schools are very seldom graded; but as regards the ages of the great majority of pupils attending them, and the branches of study therein taught, they are the same as the mixed lower grades of the village and city schools.

2. Graded Schools.—The public schools of villages and cities are divided into three principal grades, and these are usually subdivided:

1. *Primary Schools.*—Where the youngest pupils are taught.

2. *Grammar Schools.*—Where pupils from nine to fourteen or fifteen years of age are taught the ordinary English branches, and sometimes the higher branches. The great body of schools of this country are of these lower grades.

3. *High Schools.*—Where studies are taught adapted to a general education, besides, many times, higher mathematics and the languages. These schools are found only in the cities and larger villages.

3. State Universities.—The State universities differ widely in the different States. In some of the Southern and younger Western States, they have very simple courses of study; while

the State University of Michigan, at Ann Arbor, and some of the other State universities, rank high among the educational institutions of the Union.

4. State Agricultural Colleges.—For the encouragement of agriculture and the mechanic arts, colleges have been established by many States with the gifts from the Federal government for that purpose.

5. State Normal Schools.—Only in comparatively recent times has the public come to realize the fact that, if the State is to educate its citizens, it ought to provide competent instructors. Massachusetts was the first to establish normal schools for the free instruction of teachers, and most of the other States have followed her example. Persons taught at these institutions must serve as teachers in the common schools of the State for two or three years.

IV. FEDERAL GOVERNMENT SCHOOLS. In addition to the aid given to the States by the Federal government, schools are maintained at its own expense as follows:

1. A military academy, at West Point, N. Y., for the education of army officers.

2. A naval academy, at Annapolis, Md., for the education of naval officers.

3. A college for deaf mutes, at Washington.

4. A school for instruction in the Signal Service, at Fort Whipple, Va., near Washington.

5. Common schools at the various military posts of the country.

6. Schools for the education of the Indians, at Hampton, Va., Carlisle, Pa., Salem, Ore., Santa Fé, N. M., and other places.

V. ENDOWED INSTITUTIONS OF LEARNING. The largest part of the work of higher education, however, is done in institutions established by private enterprise—colleges, seminaries, universities, and professional schools. Our most famous institutions of learning belong to this class. They receive no aid from the State or communities, but their property all comes from gifts or legacies.

Many academic, grammar and high schools are likewise maintained by private benevolence.

VI. SCHOOL OFFICERS.

1. State Superintendent.—In nearly all the States there is a *superintendent of public instruction*, who has general oversight of the educational work of the entire State. He collects information concerning the schools; the amount of money expended yearly upon them; the number of teachers employed; the number of children residing in each district, and the number attending the schools; and various other important matters. He then reports to the Legislature at every session the information collected, and suggests such improvements in the school laws of the State as he thinks advisable.

2. County Superintendent.—Many States have *county superintendents of schools*, called also *county school commissioners* and *county examiners*. Their work is an important element in the system of education. They visit the schools of the county and advise the teachers in regard to their work; they examine teachers and issue certificates; and they hold associations and institutes for the instruction of teachers. In some States they decide disputes arising under the school laws, and sometimes distribute the school revenue. They make an annual report to the State superintendent of the condition of the schools under their charge.

3. City and Village Superintendents.—Often, in the large villages and cities, superintendents are appointed who have charge of grading the schools; adopting a system of promotion from one room to another; planning the work of the teachers and the courses of study; introducing new methods; and advancing the interests of the schools in all possible ways.

4. The School Board.—In nearly all cases the local management of schools is placed in the hands of a *board of directors*, a *committee*, or *trustees*. Sometimes this board is composed of the directors chosen by the several districts of the township or the several sub-districts of a city, the members acting as agents of the board in their respective districts. Or

when the city is not divided into sub-districts, a board is chosen at large to manage all the schools within the city limits.

In other cases each school has an independent local management, carried out by a board of its own, or by one or more trustees. Village and city schools almost universally have a government separate from the country schools.

These boards appoint and discharge teachers; pay their salaries; determine the length of the terms; have charge of the school buildings; supply fuel and apparatus; sometimes furnish text-books to pupils; and establish rules for the government of the schools.

5. Bureau of Education.—The Interior Department contains a National *Bureau of Education*, established by Congress in 1867. The business of this bureau is to collect and publish educational information; to point out the best methods of instruction; to show where schools are needed; and to act as a means of communication on such subjects between the different States of the Union, and between this country and foreign nations.

VII. COMPULSORY EDUCATION. In a few States there are laws compelling every child between the ages of seven and fourteen years to attend school for a certain portion of each year. In some of these laws there is a clause prohibiting manufacturers and others from employing children, between the ages of ten and fourteen, who have not, within the preceding year, attended school for the number of weeks required by law.

VIII. RELIGION IN THE SCHOOLS. No State gives any religious denomination footing in its public schools. The religious instruction of children is left to the church itself, and the education of the clergy to theological seminaries founded by the different denominations.

There has been much trouble and controversy over the subject of opening schools with religious exercises, some claiming to be wronged by the use of the Protestant translation of the Bible. On this account devotional exercises have been done away with entirely in some schools, and very much restricted in others. But the end of this controversy has not yet been reached.

TWENTY-THIRD LESSON.

PUBLIC INSTITUTIONS.

I. CHARITABLE INSTITUTIONS. It is fitting that a government, which has for its only object the welfare of the people, should protect and care for such of its helpless and unfortunate citizens as are unable to care for themselves. Every State in the Union has institutions for some or all of these classes of unfortunates, the pauper, the blind, the deaf-mute, the inebriate, the insane, the idiot, and the juvenile criminal.

1. Poor Houses.—One of the most troublesome problems with which a government has to deal is that of rendering needed assistance to the poor, without fostering habits of idleness and vice. Our State governments assume that every person will support himself if able to do so, and, if not, our laws require that certain near kinsfolk support him, if they are able. Otherwise it becomes the duty of the government to take the matter in hand, in which case the policy is followed of having paupers supported by the community where they resided when their disability arose.

In many States the care of the poor is given over wholly, or in part, to the township, which then hires its paupers kept by responsible persons, or pays for their keeping at some public institution of the kind owned by the government:

Often the county, instead of each township, has charge of a home and farm, where paupers from the whole county are supported, either entirely at the expense of the county, or by each township paying for the support of its paupers.

2. Insane Asylums.—There are many insane people in a State who are unable to pay their expenses at private hospitals. As they need special care and skilled medical treatment, the State establishes institutions where they may receive these, either at the public expense, or that of near relatives able to pay. Counties, towns and cities often maintain institutions of this kind.

3. Other Asylums.—The State also has asylums for orphan children, idiots, deaf-mutes, the blind, and inebriates, where, many times, special educational instruction is furnished, as well as support and medical aid. There are, besides, similar institutions supported by counties, towns and cities.

4. Reform Schools.—Many States establish institutions for the correction and education of youthful criminals.

5. Federal Institutions.—The United States government maintains homes and hospitals for disabled seamen and soldiers, and an asylum for insane soldiers and for the insane of the District of Columbia.

II. STATE PRISONS. The State maintains prisons for the confinement of criminals convicted of the higher crimes. The county jails and penitentiaries are for the lower grades of criminals. In most States the prisoners are compelled to labor, by which means many prisons are rendered self-supporting.

III. HIGHWAYS. Roads are a necessity, and one of the duties of the government is to make suitable provision for them. The State has the right to take anyone's property for public use, on paying its value, whether the owner consents or not. This is called the right of *eminent domain*; and the government exercises this right by taking lands for public roads. Nearly always the counties or towns, by the authority of the State, locate and maintain the roads; though sometimes the State itself does this in cases of the most important ones, which are then called State roads.

The National government has power by the Constitution to establish post-roads, and often exercises it by appropriating money for bridges and other necessary improvements.

IV. CANALS. New York, Pennsylvania and Ohio have many canals, while some States have few, and others none. Very often private corporations establish and maintain canals; but they are sometimes constructed by the State and managed by State officials. In such cases the State usually sets apart a fund, the income of which is used for this purpose; while the United States government adds to this fund by appropri-

ating public lands for the cause. This is done because the canal is a benefit to all the people of the Nation as well as the people of the State itself. Land for canals is also acquired by the right of *eminent domain*.

V. RAILROADS. Railroads are usually the work of private enterprise, but are aided by the State in many ways—by the loan of moneys, grants of public land, etc. As in the case of highways and canals, the State compels the surrender of necessary property, or gives to the railroad company the power to do so.

The State generally exercises some control over railway and canal companies, banks and insurance companies, and other corporations having large powers and privileges. This is done in order to prevent any fraud or injury to the public through them. Certain officers are required to have supervision over such corporations, to collect information in regard to their property and business, and have this information published.

VI. STATE DEBTS. It very often happens that towns, cities, counties and States undertake some public work requiring a large amount of money. To raise these funds at the time when needed would make the taxes so high as to be exceedingly burdensome to the people. Many of the works, also, as public buildings, water-works, canals, etc., may be of as great benefit to the people of later years as to those living at the time the work is done, and it seems but just that the burden should be distributed among those deriving the benefit. In order to do this, the government borrows the necessary money and issues bonds for its indebtedness, the same as an individual gives his note for borrowed money; and then the interest and the bonds themselves are paid gradually by the people.

We have seen that counties, towns, and cities, being corporations, may be sued in the courts as natural persons, if they do not pay their debts as they agree; but a State, as we shall see hereafter, cannot be forced to pay its debts by private individuals. It has even happened that several States have refused to pay some of their debts, or as it is called, *repudiated* them; and in such cases the bonds are only so much worthless paper.

VII. MILITIA. It is the policy of despotic governments to maintain large military forces, for keeping their subjects in a state of subjection, and resisting the attacks of foreign enemies; but the people of free governments do not favor the keeping of large standing armies in times of peace. The geographical position of our country, separated as it is, by the oceans, from all the powerful nations of the earth, helps to do away with the necessity of large armed forces. Our Nation has but a small standing army, and the States have none; the only military organization they possess is a *militia*. This consists of all the able-bodied men between certain ages, eighteen or twenty-one to forty-five years, who are residents of the State, and are not exempt by the laws of the State or Nation. Generally persons exempt by the State laws are members of the State legislative, executive and judicial departments, clergymen, physicians, teachers, firemen, members of military companies who have served a certain length of time, and in many States those who have conscientious scruples concerning war, as the Quakers. Persons exempt by National laws are members of the three departments of National Government, pilots, mariners, and some others.

When the militia of any State is organized, it is divided into brigades, regiments, companies, etc., with the usual officers over the divisions, adjutant-generals, colonels, captains, etc., while the governor is commander-in-chief; but, as a matter of fact, the militia of most of the States remains practically unorganized.

The militia may be called out at any time by order of the President, and it then passes out of State control and under that of the United States.

NATIONAL GOVERNMENT.

TWENTY-FOURTH LESSON.

PREAMBLE, AND CONGRESS IN GENERAL.

CONSTITUTION OF THE UNITED STATES.

PREAMBLE.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.—LEGISLATIVE DEPARTMENT.

Section 1.—*Congress in General.*

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

I. THE PREAMBLE. The introductory sentence of the Constitution, which is usually called the *preamble*, is an important part of the instrument itself. The preamble of a statute or law is the introduction containing the reasons for making the law, and the purposes for which it is intended. The preamble of the Constitution contains more than this; it names the authority which therein expresses its will, “We, the people of the United States;” it sets forth the aims and purposes of the law-givers in six concise statements; it gives a name to the expression of will, a “Constitution;” and it declares upon whom it is to be binding, “The United States of America.”

THE AUTHORITY.—The Articles of Confederation were merely a compact or agreement between the *States* as separate and independent governments. The Constitution is an agree-

ment by the *people*, the whole people of the United States, united under one National Government. They are the only source of authority, the sovereign power.

AIMS OF THE CONSTITUTION.—The purpose of the Constitution was to remedy the defects which existed under the Confederation. It was therefore intended by this method of government:

1. To Form a More Perfect Union.—That is, a more perfect union than the very imperfect one which had existed under the Confederation.

2. To Establish Justice.—The failure of the government of the Confederation was due in great part to its inability to establish justice. Under it there was nothing in the shape of a National judiciary. Its home measures were unheeded by the individual States, and its treaties with foreign nations were broken by them; while the injustice that prevailed, on account of the unrestricted power of the States to enact and enforce whatever measures seemed to them desirable, constantly threatened to involve the country in general war. Unless justice could be established under the new government, the final dissolution of the Union was certain.

3. To Insure Domestic Tranquility.—After the years of domestic contention that had followed the War of the Revolution, tranquility among themselves was one of the great objects to be desired by the people.

4. To Provide for the Common Defense.—The Confederate Congress had no power to provide means for the defense of the country. The framers of the Constitution knew that this must be remedied, as a nation unprepared for war, by reason of its weakness, is liable to constant attacks from foreign nations.

5. To Promote the General Welfare.—This is the duty of every government. It had been well demonstrated that the individual States could not secure this object; that it required the resources of a strong national government to successfully regulate those affairs, which concerned the people of the country at large.

6. To Secure the Blessings of Liberty to Ourselves and Our Posterity.—This was the most important object of all. It was for this their fathers had colonized an unknown country, and it was for this they themselves had waged a seven years' war with England. And not only did they desire it for themselves, but they were working to secure it to their posterity.

II. LEGISLATIVE DEPARTMENT.

1. Its Importance.—Although the three departments into which our National government is divided are equal in rank, and each supreme in its own particular sphere, yet in many respects the *legislative* is the most important. Here rests the greatest power of all—that of making the laws for the whole United States. Here the people express their will, by adopting, through their representatives, those measures which are to govern themselves. Its work must necessarily precede that of the other two departments, for laws must first be made before they can be interpreted or executed.

2. Its Name.—The people of the country had long been familiar with the name of Congress, for by that name they had called the body which had constituted their general government so many years. This name was now given the legislative department of the new government.

3. Its Composition.—The Congress of the Confederation consisted of but one house. It was proposed that the National Congress be composed of two houses, in order that each might act as a check on the other, thus preventing hasty or dishonest legislation. Moreover the English Parliament consisted of two houses, the House of Commons and the House of Lords, and this served somewhat as a pattern.

It will be remembered that in the Confederate Congress the States had equal power. Naturally enough, the small States were reluctant to yield this advantage, and insisted that the representation in the National Congress should also be by States, and equal; while the large States were determined to have the power distributed according to the wealth and population, or the population alone. But, after much discussion,

the matter was compromised by combining both methods. The Senate was to represent the *States*, and the House of Representatives the *people*. In the upper house the representation should be equal, large and small States the same; in the lower house it should be in proportion to the population.

4. Its Place of Meeting.—The Capitol at Washington was erected for the use of the National Legislature, and it is there that Congress holds its sessions. This building is of white marble, and stands on an eminence overlooking the city and the Potomac River. At first the Capitol was much smaller than now. The present central portion was the original building, and contains the old Senate Chamber, now used by the Supreme Court, and the old Hall of Representatives, now occupied by the statues of many of our great men. Over this central part rises the great dome, surmounted by a bronze statue of Liberty. Two immense wings have been added, one on either end, the southern containing the present great Representatives' Hall, and the northern the Senate Chamber. Both these chambers are entirely surrounded by vestibules and other rooms, and do not open outside, but are lighted by ceilings of glass. There are also many smaller rooms and offices necessary for the use of Congress.

The interior of the Capitol contains much beautiful workmanship and many objects of interest; stair cases and pillars of the various marbles of the country, frescoed ceilings, fine works in bronze, and pictures representing National scenes, many of which are hung in the great rotunda under the dome. On one of the lower floors, near the center of the building, is a white marble star, which marks the meridian of Washington, the meridian from which we reckon longitude in this country.

TWENTY-FIFTH LESSON.

HOUSE OF REPRESENTATIVES.

ARTICLE I; Section 2.—*House of Representatives.*

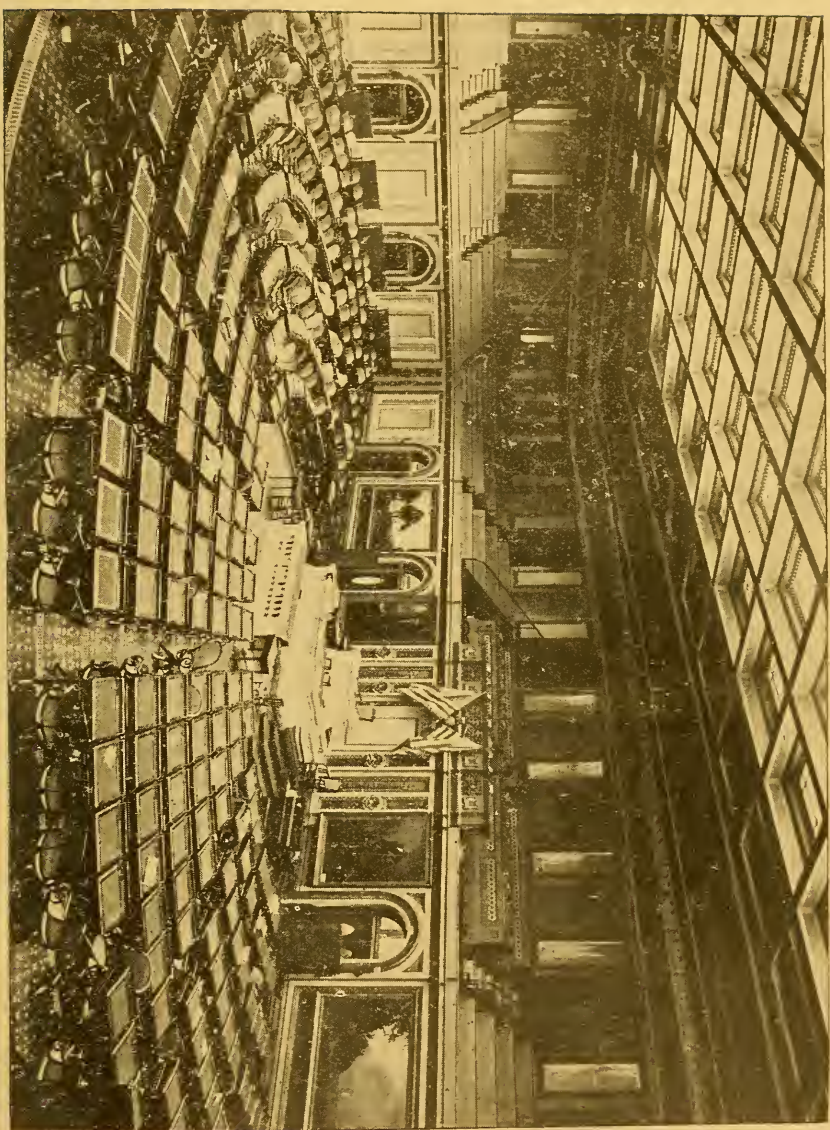
1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective members, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

I. CHARACTER OF THE HOUSE OF REPRESENTATIVES.

This is the lower and more numerous branch of the National Legislature. As its members are chosen directly by the people for the short term of two years, it is supposed to represent more closely their views in regard to the public questions of the day; and the interests of the people are here thought to be especially guarded and advanced. For these reasons this house is called the *popular* branch of the Legislature.



HALL OF THE UNITED STATES HOUSE OF REPRESENTATIVES.

II. TERM OF REPRESENTATIVES. Every second year Representatives are elected throughout the United States, and, with few exceptions, on the first Tuesday after the first Monday of November. Thus every two years there is a new House of Representatives. On this account each of these two-year periods of the National Legislature is called a "Congress," and, for convenience, these Congresses are numbered, as first, second, third, etc. Instead of saying the Congress of 1897-8, we say the fifty-fifth Congress, because that was the fifty-fifth time a new House of Representatives had come into office. As the first Congress began March 4th, 1789, each new Congress begins its term on the fourth day of March of every odd year. But Representatives are elected on every preceding or even year.

III. WHO MAY VOTE FOR REPRESENTATIVES. At the time when the Constitution was in process of formation, the qualifications of electors varied widely in the different States. Much discussion therefore arose in the convention over the qualifications of the voters who should elect Representatives. It was found impossible to agree upon a uniform rule of voting for all the States; and so it was finally settled that in every case those who were qualified by the State laws to vote for members of the lower house of the State Legislature could vote for members of the House of Representatives. Thus, whoever is qualified to take part in his own State government is also qualified to vote for these National officers. Among all the thousands of United States officers, only Representatives are chosen by direct vote of the people.

IV. QUALIFICATIONS OF REPRESENTATIVES. But three qualifications are required by the Constitution of a member of the House of Representatives. These are:

1. Age.—He must be twenty-five years old. Few men, previous to that age, have acquired wisdom and experience equal to the demands of so responsible a position.

2. Citizenship.—He must have been seven years a citizen of the United States. Not only natural born citizens but

aliens may become Representatives. This is an exception to the laws of most countries. Since an alien may become naturalized after a five years' residence in this country, it follows that at least twelve years of residence here are required of a foreigner before he becomes eligible to this office.

3. Residence.—State citizenship is not of as much importance as United States citizenship. A Representative, *when elected*, must be a resident of the State in which he is chosen; but he need not have resided there long enough to have acquired a legal residence; that is, to have acquired the legal right to vote there; and he may also remove from the State immediately after his election, and still continue in office for the term for which he was elected. Nor is it required that he should reside in the particular congressional district for which he is chosen; but as a matter of fact he is always a resident of such district, for it is considered an important matter by the people of each district that they be represented by one of their own number, who has their personal interests at heart.

V. APPORTIONMENT OF MEMBERS.

1. Basis of Representation.—After it was settled that Representatives should be apportioned among the States according to the population of each, one of the most bitter disputes of the whole convention arose over the question of who should be included in the representative population. This dispute nearly resulted in the dissolution of the convention.

At that time slavery existed in all the States except Massachusetts; but the Northern States held so few slaves that they were practically non-slaveholding. The Southern States constituted the great slaveholding section of the country. These latter States, therefore, contended that the slaves should be counted the same as free white inhabitants in apportioning Representatives. But the North claimed that this would be giving the slaveholding States unjust advantage in political legislation; that merely because they owned certain property, they must not have greater political power. Moreover, many strongly objected because it would amount to the same as offer-

ing a premium on the wretched traffic in human beings; for the more negroes imported from Africa into any State, the greater would be its power in Congress.

But in this case, also, the matter was finally compromised. The Northern States consented that every five slaves should be counted as three persons; while the Southern States agreed that direct taxes should be levied on the same basis. Although by this plan the Southern States would still have greater representation according to their white population, still they must also pay greater direct taxes; and this, it was thought, would be of much advantage to the Northern States. But the result proved that the whole advantage lay with the South, for the National government became almost wholly supported by the custom-house revenues; and direct taxation was little resorted to as long as this system of apportionment was practiced.

It was thus settled that the total white population, three-fifths of the slave population, and all Indians taxed, should form the basis of representation.

This remained the law until after the time of the Civil War, when, by amendments to the Constitution, slavery was abolished, and provision was made for apportioning Representatives according to the total population, whether white or black, with the exception of Indians not taxed, whose number now is too small to need consideration. .

The words *servitude*, *slave* and *slavery* nowhere occur in the original Constitution, and the authors in every place avoided their use by employing some other expression that conveyed their meaning. In the amendments added after the Civil War these terms are used.

2. United States Census.—The actual numbering of the population was to take place within three years after the first meeting of Congress. This was done in 1790, during the early part of Washington's administration, and the Representatives apportioned accordingly. As further prescribed, this has been done every ten years since; so that in every year that ends with a cipher the United States census is taken.

3. Ratio of Representation.—The Constitution does not limit the House to any definite number of Representatives;

but it declares that the representation must not exceed one for every thirty thousand inhabitants. This regulation was made in order that the membership might not be too large for the convenient transaction of business. The Constitution provided that until the census could be taken, each State should send a certain number of Representatives, making the membership of the first House sixty-five.

The ratio of representation, after the first census was taken, was placed at one for every thirty-three thousand inhabitants. This raised the number of Representatives to one hundred and six. Had this ratio of representation been continued up to 1880, by the census of that year the House would have contained nearly fifteen hundred members. Every ten years, on account of the rapid increase in population, Congress makes a new apportionment of Representatives, increasing the ratio of representation, until in 1890 it was fixed at one for every 173,901 inhabitants. This ratio will prevail until 1903. The Territories have no representatives, but each one is allowed a delegate who has no vote, but who may speak on questions relating to his Territory.

The ratio of representation is found by dividing the whole population of the States by the number of Representatives to be chosen. The population of each State divided by this ratio gives the number of Representatives each State is allowed. Of course there are always remainders in making these divisions, and consequently the results obtained will not together equal the entire number of Representatives. Congress then assigns to the States having the largest remainders an additional member, until the required number is obtained.

4. Congressional Districts.—After Congress has thus assigned to each State its number of Representatives, the State Legislature divides the State into as many congressional districts as it has Representatives, each district containing, as nearly as possible, such number of inhabitants as equals the ratio of representation. These districts are numbered first, second, third, etc., and are always referred to by number. Sometimes, after a State has been assigned an additional member, the Legislature fails to re-district it at once. In such

case the Representative is voted for on a general State ticket and is called a "congressman-at-large."

5. Each State Represented.—Sometimes a State has not a population as large as the ratio of representation. The framers of the Constitution, foreseeing such a possibility, provided that every State should have at least one Representative; and thus no State, however small its population, can lose its representation in the House.

TWENTY-SIXTH LESSON.

HOUSE OF REPRESENTATIVES, Continued.

ARTICLE I; Section 2.—*House of Representatives, continued.*

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

I. VACANCIES IN THE HOUSE. When a vacancy occurs in the representation of any State, the governor of that State issues a writ of election for the congressional district in which the vacancy occurs. The people of such district then, in a special election, choose a representative to fill the vacancy for the remainder of the term for which his predecessor was elected.

II. OFFICERS OF THE HOUSE. The House chooses its own officers, which are : a *speaker*, who is one of the members of the House ; a *clerk*, *sergeant-at-arms*, *door-keeper*, *postmaster* and *chaplain*, who are not members of the House.

1. The Speaker.—This is the principal officer of the House, and as he is chosen by the representatives of the people to be at their head, he is often considered the next officer in importance after the President. He represents the House on all official occasions, and his place is next the Vice-President. He also speaks for the House on all state occasions ; hence his title of speaker.

He is chosen by the Representatives from among their number. Usually the members of each political party select a candidate for this office from those of their own political faith, and then these candidates are voted upon. There is always great striving after this important office, and sometimes long delays occur before a result can be reached. The clerk of the last House presides until the speaker is elected.

The speaker presides over all the deliberations of the House, and it is his duty to see that order is preserved. He strikes his desk with his gavel—a small mallet—to call the attention of the members and command silence. The great power in the hands of the speaker lies in his privilege of selecting all the committees of the House.

This officer, being himself a member of the House, has the same right of voting as the other members; but as a matter of custom he seldom exercises this right, except in those cases where it is a necessity, or seems highly advisable. He must always vote when there is a tie and when voting is by ballot; but this method of voting is seldom used.

2. The Clerk.—This officer keeps the business of the House in order. He makes out the roll of members; takes charge of the bills that are brought before the House; keeps a record of each day's proceedings; and has other similar duties.

3. The Sergeant-at-Arms maintains order under the direction of the speaker. He is the police officer of the House, and represents the power of that body. When the House is in session, he sits facing the members, and behind his chair stands the “mace,” the symbol of the power of the House of Representatives. This was the symbol of power used for centuries in the Roman senate. It is a tall, slender column, about three feet high, consisting of a bundle of ebony sticks, bound together and tied by thin bands of silver. Each stick ends in a spear-head, and, rising from the midst of these, is a short column surmounted by a silver globe, upon which rests a silver Eagle with outstretched wings. The mace rests on a marble standard during the sessions of the House, but is always taken down at other times. In case of disturbance or disorder in the House, the sergeant-at-arms takes it down and bears it to the place of disturbance; and usually, at sight of this symbol of the people's power, every member becomes orderly. The sergeant-at-arms is also sent to bring absent members of the House, when their presence is required; and, whether it be in the middle of the night, or they hundreds of miles away from the Capitol, when he comes for them they are under arrest and must obey his commands. When the House

is in session all night it frequently happens that so many members go home as not to leave enough for a quorum. The sergeant-at-arms is then sent to bring these absent members, and they are requested to give publicly to the House an excuse for their absence. Some extremely ludicrous reasons are given by members who have no real excuses.

If in any instance the sergeant-at-arms is not obeyed, the power of the United States Government stands behind him to enforce his orders.

4. The Doorkeeper.—The charge of the Representatives Hall—of its furniture, books and other public property—is in the hands of this officer. He allows only such persons to enter as are permitted by the rules; and he also has supervision of the galleries, to which the public is admitted.

5. The Postmaster superintends the special postoffice kept in the Capitol for the convenience of members and officers, and he must see that the mails are promptly and safely delivered.

6. The Chaplain.—Each daily session of the House is opened with prayer by the chaplain, who is usually selected from the clergymen of the city of Washington.

7. Assistants.—Stenographers, clerks, messenger boys, called pages, etc., assist the officers in discharging their numerous duties.

III. OATH OF OFFICE. At the opening of the session of each new Congress, as soon as all the officers are chosen, the member of the House who has served the longest time, and who is therefore called “Father of the House,” administers the oath of office to the speaker. This oath is a solemn promise, with the help of God, to support the Constitution and laws of the United States, and to perform the duties of his office faithfully. After this the speaker administers the oath to the other officers of the house and to all the Representatives as they appear before him by States. Then the business of the session is begun.

IV. POWER OF IMPEACHMENT. The House of Representatives has the sole power of impeachment. The officers

subject to impeachment are the President, Vice-President, and all civil officers of the United States. Members of the legislative department are not considered civil officers within the meaning of this provision, and therefore cannot be impeached ; they may, however, be expelled. Military and naval officers must be tried before military courts.

When a complaint concerning one of the above mentioned officers is formally entered before the House, the matter is placed in the hands of a committee, who proceed to investigate the charges. If they find these charges well founded, they make such a report to the House. That body then discusses the question, after which a vote is taken. If a majority favor impeachment, articles of impeachment are prepared, and a committee is appointed to lay the whole matter before the Senate, and to represent the House in the prosecution which follows.

TWENTY-SEVENTH LESSON.

THE SENATE.

ARTICLE I; Section 3.—*The Senate.*

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years, and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their officers and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in case of impeachment shall not extend further than to removal from office, and disqualification, to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

I. CHARACTER OF SENATE. The Senate of the United States, or the upper house of Congress, is ordinarily considered a body of much greater dignity than the House of Representa-



THE UNITED STATES SENATE CHAMBER.

tives. Its members are presumed to be men of larger experience in public affairs and greater renown. It is a much smaller body than the House ; greater age and longer citizenship are required of its members, and their term of office is three times as long. Senators represent the States as distinct and individual governments.

II. NUMBER OF SENATORS. All the States of the Union have equal representation in the Senate, each sending two members. Thus the small State of Rhode Island has the same power in this house as the great State of Texas with a territory nearly forty times as large, and as the State of New York with its twenty-fold population.

Two Senators were allowed each, that in case one should be absent the State might not be left unrepresented. It happened, however, in 1881, that both Senators from New York, on account of certain disagreements with the executive, suddenly resigned, and left the State for a time unrepresented. But two new men were after a little returned in their places.

III. HOW SENATORS ARE CHOSEN. The Constitution provides that the Legislatures of the States shall choose the United States Senators ; but it does not declare in what manner this shall be done. However by an Act of Congress of 1866, the election must be conducted as follows :

1. The Legislature proceeds to the election of Senator on the second Tuesday after its organization. Each house separately, by a *viva voce* vote, names a person for Senator, and enters the name in the journal of the house. Or, if no person is given a majority, this fact is also recorded in the journal.

2. On the following day, at twelve o'clock, both houses meet in joint assembly, and the journal of each house is read ; and, if the same person has received a majority of all the votes in each house, he is declared duly elected United States Senator. But if no person received such majorities, then the joint assembly chooses, by a *viva voce* vote, a person for Senator, and that person receiving a majority vote of the joint assembly is declared elected.

3. If, however, no result is reached, the joint assembly meets at twelve o'clock on every succeeding day, and takes at least

one vote each day during the entire session of the Legislature, or until a Senator is elected.

IV. TERM OF OFFICE. In considering the length of the term of office of Senators, the Constitutional Convention unanimously agreed that it should be sufficiently long to secure greater dignity, stability and experience to that body than the term of the Representatives would insure. It was thought desirable that this body should feel more independent of the people than would be the case were its members elected for short terms; and it would thus be less liable to be influenced by popular excitement. It was also believed that a longer term would induce greater care on the part of those selecting Senators, and would make the office worthy the ambition of the ablest men of the country. Still further, this house would then secure the great advantage of long experience and training, and would be less liable to desire frequent changes in the laws of the country, thus acting as a check on this evil in legislation, which may be as injurious in its effects as corrupt laws themselves.

But there was great difference of opinion in regard to the exact length of term which would secure all these advantages, and not be attended with greater disadvantages. The terms proposed varied from three to nine years, and even life terms were suggested. But the term of six years was at last agreed upon as best compromising the matter.

In several instances Senators have served four terms in succession.

V. VOTE OF SENATORS. In the Congress of the Confederation it will be remembered that each State, whatever the number of its delegates, had but one vote. If only one delegate was present the State had no vote; or, if its delegates were equally divided on a question, its vote was lost. In the Senate this was changed; each member votes separately, and his vote counts one, the same as in the House of Representatives. Thus questions in the Senate are decided by a majority vote of the Senators, and not of the States.

VII. DIVISION INTO CLASSES. In order the better to secure to the Senate the qualities mentioned above, it was

arranged to have this body perpetual—to have the terms of its members expire at different times. For the accomplishment of this, it was provided that, immediately after the assembling of the first Congress, the Senators should be divided into three classes; the first class should serve only two years, the second class four years, and the third class six years. Thus one-third of the members would retire every second year, and, of course, one-third be elected every second year. This provision was carried out, by separating the members into three groups, one containing seven, and the other two six each, only nineteen being present at that time. The two Senators from the same State were in every case placed in different groups, in order that the seats of both Senators from one State might never be vacant at the same time. Then it was determined by lot which group should constitute each of the different classes. Of course ever after this first arrangement the terms of all Senators would be six years, as the Constitution provides. It is necessary, however, to make an exception when a new State is admitted; one of the two Senators first chosen serves a shorter term than the other, in order that the terms of both may not expire at the same time. Which of the two shall serve this shorter term is determined by lot.

Thus, at the time of every election of a new House of Representatives, one-third of the Senate is chosen.

VII. VACANCIES IN THE SENATE. If a vacancy occurs in the Senate, when the Legislature of that State in whose representation the vacancy occurs is not in session, then the Governor of that State must appoint some person to act as Senator until the Legislature meets and fills the vacancy. But if the Legislature is in session at the time the vacancy occurs, then by act of Congress, a Senator must be elected in the manner already described, and the proceedings must begin on the second Tuesday after notice is received of the vacancy.

The person thus chosen serves only for the remainder of the term for which his predecessor was elected.

VIII. QUALIFICATIONS OF SENATORS.

1. Age.—A Senator must have reached the age of thirty years.

2. Citizenship.—He must have been nine years a citizen of the United States. This requires a fourteen years' residence of an alien.

3. Residence.—He must, when elected, be an inhabitant of the State for which he is chosen; but, as in the case of the Representative, residence is required only at the time *when he is chosen*.

IX. OFFICERS OF THE SENATE. These are a *president, secretary, sergeant-at-arms, postmaster, chaplain, librarian, and doorkeeper*. All these officers except the president are chosen by the Senate, but none are members of that body.

1. President of the Senate.—The Vice-President of the United States is president of the Senate. There seem to have been various reasons for this arrangement. As he is chosen merely to succeed to the Presidency in case that office becomes vacant during a Presidential term, as long as the President continues in office he would have no duties whatever to perform were it not for this provision. And as the States have equal voice in the Senate, it would seem advisable that no one of them be given the greater power which this office would confer. Lastly, the Vice-President, being chosen by the whole country would naturally be more impartial as presiding officer than if representing a single State.

The Vice-President, not being a member, has no vote in the Senate except in the one case where the Senate is equally divided on some question.

As he may be called upon at any time to fill the office of President, and as he is sometimes necessarily absent from his seat during a session, it is provided that a President *pro tempore* be chosen by the Senate from among its members, to act as presiding officer at such times. This is done on the first day of the session, or at such other time as desired. This latter officer always has a vote the same as any other member; and, in case he becomes permanent president of the Senate, his salary is increased to that of the Vice-President.

When the Senate meets on the first day of a new Congress, the new Senators take the oath of office before the Vice-Presi-

dent. Each new Senator is presented at the desk by his associate from the same State.

2. The Secretary.—The duties of this officer are very similar to those of the clerk of the House of Representatives, with the additional duty of paying the Senator's salaries. He has various clerks under him to assist at his work.

3. Other Officers.—The other officers have duties similar to those of the corresponding officers of the House; but the sergeant-at-arms, unlike that officer of the House, has control of the different doorkeepers.

X. POWER TO TRY IMPEACHMENTS. The Senate has the sole power to try impeachments. When a case is brought before it by a committee from the lower house, it resolves itself into a court, each Senator taking a special oath for the occasion. The proceedings in the case are then similar to those of trials in other courts. At the close of the trial the Senate votes upon the guilt of the accused, a two-thirds vote of those present being necessary to convict. This provision was made in order to prevent the removal of officers by the vote of a mere majority who might be acting from party prejudice.

When the President of the United States is on trial, the Chief Justice presides. It would plainly be unjust to allow the Vice-President this privilege, as, in case of the removal of the President, he would succeed to the office. His own interests being thus involved, he might not always conduct the trial impartially. In all other cases he presides.

Sentence in case of impeachment is restricted to removal from office, and to disqualification to hold and enjoy any office of honor, trust, or profit under the United States. The Senate can go no further than this, but, if the offense committed is one punishable by law, the offender may afterwards be tried and punished in a court of law, the same as any private citizen.

Several cases of impeachment have been tried before the Senate; among others, one President, Andrew Johnson, who was acquitted. Several Judges and one Secretary of War have also been impeached, but most of them were acquitted.

XI. TITLES OF MEMBERS. Both Senators and Representatives are *Members of Congress*; but in ordinary speech, "Congressman" or "Member of Congress" is applied to Representatives and seldom to "Senators." Every member of each house is addressed as "Honorable;" and after a Representative's name in written addresses, "M. C." is placed; and after a Senator's "U. S. S."

TWENTY-EIGHTH LESSON.

MEETINGS AND POWERS OF CONGRESS.

ARTICLE I; Section 4.—*Elections and Meetings of Congress.*

1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

ARTICLE I; Section 5.—*Powers and Duties of the Houses.*

1. Each house shall be the judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

I. ELECTION OF SENATORS AND REPRESENTATIVES.

Concerning the times, places, and manner of holding elections for Senators and Representatives, it is left for the Legislature of each State to prescribe for that particular State. But the power is given Congress to make or alter all such regulations at any time, except as to the *place* of choosing Senators. This exception is a wise one, for as the State Legislatures elect Senators, it would plainly be an injustice were Congress allowed the right of dictating to the several States where their own legislative bodies should assemble. As we have already seen in regard to the time and manner of choosing Senators, Congress has exercised the power given it, by prescribing when and how this shall be done.

II. SESSIONS OF CONGRESS.

1. **Regular Sessions.**—The Constitution requires at least two sessions of a Congress, one each year for the two years.

This provision is final; Congress itself has no power to alter it. Thus the business of the Nation will be better attended to than if it were left in the power of any individual or body to convene Congress at pleasure.

In regard, however, to the time of assembling, Congress may, by law, appoint any day it chooses. But unless Congress makes different provision, the meeting must be on the first Monday in December. This date has been altered by Congress, but afterward changed back; and now it stands as at first prescribed.

The first session of Congress may continue through a whole year if desired, only being closed in time for the second session to commence; but the second session must end by noon on the fourth day of March following its beginning, as at that time a new Congress comes into power. Thus the first regular session is usually called the *long session*, and the second the *short session*.

2. Special Sessions.—Special sessions of either or both houses may be called by the President, when in his opinion there is business requiring immediate attention. The Fortieth Congress had three special sessions, thus making five sessions in the two years.

3. Daily Sessions.—Each daily sitting of Congress is also called a session. Both houses meet each day at twelve o'clock noon, except when they agree upon a different hour, and continue in session usually from four to six hours. It sometimes happens, however, and especially toward the last of a session, that the pressure of business is frequently so great as to compel one or both houses to remain sitting until after midnight. On the last night of a session, Congress often sits till morning. While the houses are assembled, over each chamber there floats a flag, which is lowered whenever that particular house adjourns.

III. MEMBERSHIP. Power is given each house to judge of the elections, returns and qualifications of its own members. This is a matter of very great importance to any legislative body, in order that it may maintain its independence. Quite often there is a contest between opposing candidates as to

which one is legally elected to a seat in Congress. There must be a power to examine into such disputed cases and give final decisions. After the certificates of election are issued by the proper State officials, their validity is sometimes questioned by the opposing candidates; in which case either house may go behind the election returns and examine into the whole matter.

If the final decision were left with each State, it might easily happen that the party in power would issue certificates to the wrong persons, because such persons held the same political views. It might also happen that persons not possessing the required qualifications would be legally elected and take their seats in Congress, unless that body had the power of rejecting them. Until the matter is decided, the person holding a certificate of election is just as much a member of Congress as though there were no question concerning his right to membership.

Special committees are appointed in both houses, to investigate all these doubtful cases and make reports.

IV. QUORUM. A majority of each house constitutes a quorum to do business. If this provision did not exist, a scheming minority might, at any time, take advantage of the absence of a majority to pass laws in the interest of some few individuals, or some small sections, which would be injurious to the Nation at large. They might also amend or repeal good laws.

Although less than a quorum cannot transact any of the business of the House, two privileges are given them—one the power to adjourn from day to day in order to prevent a legal dissolution of the body, the other the power to compel the attendance of absent members, in such manner and under such penalties as each House may provide. Otherwise a number of members might agree to remain away altogether, and thus stop the whole business of legislation.

V. RULES OF PROCEDURE. In order to accomplish its work properly and with facility, it is necessary for any deliberative body to proceed according to orderly and well established rules; and no other authority can prescribe a course of proceeding so well fitted to its needs as the body itself. There-

fore, the Constitution places the power to determine its own rules of proceeding with each house of Congress. Of course these rules must in no way conflict with the provisions of the Constitution.

It is the custom, at the beginning of a new Congress, for the House of Representatives to adopt the rules of the preceding House, and to appoint a committee to consider new rules. The rules of procedure followed in making laws will be given hereafter. The following are some of the other rules and customs of the two Houses of Congress.

1. Choice of Seats.—In both houses, some seats are much more desirable than others; and there must be order in selecting these seats, or many misunderstandings would arise.

In the House of Representatives, the members, at each new session, remain standing while their names are put into a box and drawn out, one by one, by a blind-folded boy. As each man's name is drawn, he chooses his seat and sits down. The Democrats always take one side of the hall and the Republicans the other.

The Senators select their seats according to a different custom. A new Senator takes any seat which happens to be vacant, and which will, of course, be one of the poorest. But if any Senator wishes a seat belonging to some other member, he puts his name down in a book kept for that purpose, as being an applicant for that particular seat. As soon as this seat becomes vacant, by the final departure of its occupant, it is given to the man whose name is first on the list of those desiring it.

2. Presence of Members.—Every member is required to be present during the sittings of his house, unless excused or unavoidably prevented.

3. Committees.—As in the State Legislature, most of the work of both houses is first considered by committees appointed for that purpose. Here, also, there are both standing and special committees. The result of their deliberations is reported to their respective houses, where final action is taken. In very many instances Congress approves or disapproves measures according as the committees recommend in their

reports. Neither house could accomplish the great amount of work required of it at one session, were it not for this method of proceeding.

The speaker appoints all these committees in the House, and thus has great power in shaping legislation; for, by selecting committees on each subject whose views correspond with his own, he insures the bringing in of reports satisfactory to himself. He is, therefore, in a certain sense, the most influential citizen of the country. There are over fifty standing committees in the house; a committee on election, on ways and means, on agriculture, on commerce, etc.

In the Senate, the Vice-President, not being a member of that body, is not allowed the privilege of appointing the committees, but all this is done by a special committee selected by the senate from among its members. As the senate is a perpetual body, its committees change but little from year to year. They are arranged so that new members are added as old ones leave. The Senator longest on a committee is its chairman. There are about thirty committees in the Senate, most of them corresponding to the committees of the House.

4. Length of Speeches.—In the House of Representatives, the length of time a member may occupy in speaking is determined according to its rules; sometimes it is only five minutes, then again an hour or longer; and there are many and various arrangements as to the time and manner of speaking.

In the upper house a Senator may speak as long as he chooses, and no one can stop him. This liberty of speech is considered of great importance to this body in maintaining its dignity. Henry Clay once attempted to have a rule made in the Senate by which the debate could be stopped; but he failed, and the attempt has never since been made. There is one indirect method, however, by which a debate is sometimes ended; that is, by the Senate unanimously agreeing to vote upon a certain measure at a fixed time in the future. Sometimes a number of Senators agree together to defeat some measure obnoxious to them, by talking the whole of the time in which the bill can be considered.

5. Admission of Public.—The public is admitted to all debates in the House, and to all in the Senate, with the exception of those which consider treaties and the appointment of officers.

6. Lobbying.—As the public is not admitted to the floor of the house, but only to the galleries, whenever any person wishes to see a member, he must send a doorkeeper to request that member to come out into the halls, or lobbies, as they are called. These interviews may be of a perfectly honorable nature, but very often their object is to influence, by money or otherwise, the votes of the Legislators, in a way that shall result in benefit to the persons seeking such interview. Thus the term *lobbying* has arisen, and has come to be used entirely in the sense of the disreputable influencing of members.

VI. PUNISHMENT FOR DISORDERLY BEHAVIOR. We have seen that each house has power to make its rules of proceedings; but, unless it also possessed the additional power of enforcing these rules, they would be of little avail. In times of excitement, members may become boisterous and disorderly to such an extent as to hinder and even entirely prevent the transaction of business. The Constitution gives to Congress the power to punish these members for disorderly conduct, in whatever way it deems proper.

VII. EXPULSION OF MEMBERS. There may be cases where the conduct of a member is so improper as to warrant expulsion from the house. Both houses have the power to do this; they could not otherwise maintain their dignity and independence. But in order to guard against the possibility of a bare majority expelling members of the opposite political party, merely for party interests, the Constitution requires a two-thirds vote for the expulsion of any member.

TWENTY-NINTH LESSON.

POWERS AND PRIVILEGES.

ARTICLE I; Section 5.—*Powers and Duties of the Houses, continued.*

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Section 6.—*Privileges of and Prohibitions upon Members.*

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

I. THE JOURNAL. In order that there may be no secret business transacted, and that the public may have full knowledge of what its representatives in the law-making department of the government are doing, each house is required to keep a journal of its proceedings, and to publish the same from time to time, except such parts as in their judgment require secrecy. There may be proceedings in every legislative body which it would be unwise to publish. For instance, during the time of war, publication of the measures of Congress might give the enemy knowledge that would prove disastrous to our cause.

Therefore it is left to the discretion of each house as to what part of its transactions shall be kept secret.

Publication of proceedings acts as a check on hasty or unwise legislation; each member knows that his record is then within reach of the knowledge of every person in the land, as well as future generations. In addition, it places all measures in shape convenient for future reference, which is often necessary in transacting business connected with past legislation.

Besides this journal, an official newspaper, called the *Congressional Record*, is printed daily by Congress. This contains an account of everything done and said in Congress the day before. In it appear, also, speeches of Senators and Representatives which have never been delivered in either house. This practice arose from the desire of members to appear on record in the public discussions, and from the lack of time for all to be personally heard.

A government printing office is controlled by Congress, to print this paper and all public documents, including the President's messages. The public printer is appointed by the President.

II. RECORDING YEAS AND NAYS. Whenever one-fifth of the members present in either house desire it, the yeas and nays of the members of that house on any question must be entered on the journal. The object of this is that a record may be made of the vote of each one, and the members thus be called to account by those whom they represent. This record also shows what persons are absent at such times, which is quite an important matter for the people to know. Sometimes members absent themselves to avoid responsibility in voting.

The calling of the roll which must be done in order to get the vote of each one separately and record it, consumes a great amount of time, especially in the House of Representatives; and, on this account, the power of demanding a roll call is often greatly abused. When a few men wish to hinder action upon some bill to which they are opposed, they succeed in getting one-fifth of the members to vote for a roll call; and, as soon as this is finished, to demand another roll call on some trifling point; and so on until all the time is consumed in which

the bill could be considered, and the members from sheer exhaustion vote to adjourn. This is one form of what is called *filibustering*; and it is often kept up all night, and for days in succession. In this way it is possible for a small minority to defeat a bill which the majority desire passed.

III. ADJOURNMENT. If it were left entirely within the power of either house to adjourn for any length of time, and to any place, legislation might be seriously hindered, and even brought to an end, by one house adjourning indefinitely, or adjourning from place to place, and compelling the other to follow it about. As a minority has power to adjourn, this might be done in the absence of a majority. But to prevent such a possibility, the Constitution declares that neither house during a session of Congress, shall adjourn for more than three days without the consent of the other house; nor to any other place than that in which the two houses shall be sitting. Either house, if it wishes to take a recess, may adjourn at any time, provided the recess does not continue more than three days.

For an adjournment of any length, both houses must agree upon the time of separating and the time of meeting again. In case they cannot come to an agreement, as we shall see hereafter, the President has the power to adjourn them; but this has never yet happened.

IV. SALARY OF MEMBERS.

1. Why Paid.—The authors of the Constitution disagreed on the question of allowing salaries to Senators and Representatives. A part believed that there should be no compensation in order that unprincipled persons might not seek the office merely for the pay, and thus keep out men of high character and attainments. The remainder contended that such an arrangement would close the doors of the National Legislature on all poor men, no matter what their worth and ability; that Congress would become an aristocratic body, an assembly of wealthy men only. This, they declared, would be opposed to every principle of democracy. These latter arguments prevailed, and salaries were allowed.

2. How Paid.—It was thought best to pay these salaries from the National treasury, in order to make the members sufficiently independent of State influences to freely consider the interests of the Nation at large. Besides prompt payment would thus be insured. Under the Confederation, the States paid their members of Congress, and there was often great delay and reluctance in the matter.

3. The Amount Paid.—The compensation of Senators and Representatives is determined by law; that is, by the members themselves. This is another wise provision, for the salary which years ago might have been amply large, at the present time would be insufficient to cover the bare cost of living. At first the salary of members of both houses was fixed at six dollars per day, with certain mileage allowed. It has been increased many times since then, until it has reached the sum of \$5,000 per annum. The speaker of the House and the president of the Senate are paid \$8,000 each. Every member is also allowed \$125 a year for postage, stationery and newspapers, and mileage at the rate of twenty cents for every mile of travel, by the usual route, in going and coming between his home and Washington at a session of Congress.

Although Congress has unlimited power in fixing the salaries of its members, it has learned by experience the advisability of keeping within certain limits. In 1873 the salary was raised, by Act of Congress, from \$5,000 to \$7,500; but the people expressed such decided displeasure that the law was afterward repealed.

V. FREEDOM FROM ARREST. Senators and Representatives, while they are in attendance at the sessions of their respective houses, and while they are going to or returning from these sessions, cannot be arrested, except for crime. Treason, felony and breach of the peace include all criminal offenses; hence their freedom from arrest extends only to actions in civil cases. If it were not for this provision, political enemies might, at any time, cause the arrest and detention of members of Congress until they could prove the falsity of the charges against them; and this could be done at times when

their absence would be particularly beneficial to the opposing party, by giving it opportunity to pass certain laws in its own interests.

VI. FREEDOM OF SPEECH. Members of Congress are free to say whatever they please in either house, and cannot be questioned, that is, legally called to account for it, in any other place. It is for the interests of the Nation that its legislative body have perfect knowledge of all measures and of all individuals coming within the sphere of its action. In order to gain this knowledge, it is necessary that members be free to impart any information they may have, and to express individual opinions concerning these matters. If they were liable to prosecution for statements made in Congress, fear of thus being called to account would prevent many from a full expression of their views. Of course, if members become violent in speech and make untrue and disgraceful charges against their associates or others, they may be compelled to publicly apologize or may be expelled.

VII. PROHIBITIONS UPON MEMBERS. If a new office is created, or the salary attached to any existing office is raised, no person who is a member of either house at the time this is done can, during the time for which he was elected, be appointed to such office. If this were otherwise, new and lucrative offices might be created, and the salaries of others greatly increased, in order that members instrumental in accomplishing the measures might resign their seats and be appointed to such offices.

Besides this, no person holding an office under the United States can, during the time he continues in office, be a member of either house of Congress. He may be a State officer and at the same time a member of Congress, unless the State constitution forbids; but he cannot draw two salaries from the National treasury at the same time. Thus the President cannot select, for his cabinet, members of Congress, and by that means acquire influence in the Legislature, as is the case of the English government.

THIRTIETH LESSON.

MODE OF PASSING LAWS.

ARTICLE I.; Section 7.—*Mode of Passing Laws.*

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution or vote to which the concurrence of the Senate and the House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

I. REVENUE BILLS. All bills by which money is raised for the government, either by direct or indirect taxation, must originate in the House of Representatives, and never in the Senate. As the people pay the taxes, it is appropriate that the body which directly represents them should have the privilege of proposing all such laws. This is in imitation of the British House of Commons.

After these bills are passed by the House, the Senate may propose amendments to them, and, of course, may pass or reject the bills themselves, or any amendments which may be proposed by the House.

II. MODE OF PASSING LAWS.

1. Origin and Introduction of Bills.—All other than revenue bills may originate in either House of Congress. Any member may introduce a bill of his own making, or one given him by others for introduction. As all the laws of Congress pass through the same stages, by following the course of a single bill, we shall have acquired a general knowledge of law-making. Let us take, for example, a bill introduced by a Representative. The Speaker of the House refers it to the proper committee, and the clerk of the House takes the written bill and hands it to the clerk of that committee.

2. Work of Committee.—The members of the committee then proceed at their convenience to consider the bill in their room for private consultation; after which, some one of them reports their decision to the House. Each committee has a particular day for making these reports, which usually take precedence over all other business.

3. Printing the Bill.—If the committee brings in a report favorable to the measure, the clerk has the bill printed, and copies distributed among the members.

4. First and Second Readings.—The bill is then read to the House twice, on separate days; or, if there is any haste about the matter, the House may order the two readings on the same day. But if a single member objects to this, the readings must be on separate days.

5. Debate and Amendment.—After the second reading the House proceeds to debate the bill, and to make amendments, if desired.

6. Engrossing the Bill.—The clerk then writes it out in a round, distinct hand, on a large sheet of paper. This is called *engrossing* the bill.

7. Third Reading.—After the bill is engrossed, it is read for the third time by the clerk. This reading may be on the

same day as the other two, if the House so orders, and no member objects. Otherwise the three readings must be on three separate days.

8. Voting.—After the third reading the question is voted upon. This is done in different ways. Following one method, the speaker puts the question to the House, by asking all those in favor of the bill to say “aye,” and afterward all those opposed to say “no.” Then he decides by the sound which side receives the most votes. But, unless there is a most decided difference between the two sides, this is a very uncertain way of settling a question.

Another method is for the speaker to first ask all those in favor of the bill to rise and be counted, and then all who are opposed to it.

Of course, if on any vote one-fifth of the members desire it, the roll must be called, and the yeas and nays recorded.

Still another method, called voting by *tellers*, is sometimes used in the House, but never in the Senate. The speaker selects two men, one representing each side of the question, who take their places in the open space before his desk. All the other members then pass between them, and are counted. First those in favor of the question file past, and the tellers count them, touching each one on the back. Then those opposed are counted in the same manner, and the result is reported to the speaker.

9. The Bill taken to the Senate.—If the House passes the bill, the clerk takes it to the Senate Chamber, and there formally announces that the House has passed the bill and desires the Senate to agree with them.

10. Proceedings of the Senate.—Nearly the same steps are then taken in the Senate as have been in the House. The president of the Senate refers the bill to the proper committee, who considers it carefully and reports it to the Senate. It is then read twice by the secretary, on different days, after which it is debated. It may then be amended, by adding to or taking from it. If any amendments are made, they are engrossed, and the bill is read the third time and voted upon.

11. Return of the Bill to the House.—If passed by the Senate, the bill is carried back to the House by the secretary, and the fact announced that the bill has been passed, either with or without amendments.

12. Further Debate by the House.—If amendments have been made by the Senate, the House proceeds to debate them; but the original bill, having once been debated by the House, is not again discussed there. ✓

13. Enrolling the Bill.—When the House has adopted these amendments by the Senate, if there werē any, the clerk so informs the Senate, and the bill is handed over to the committee on enrolled bills. This committee causes it to be *enrolled*; that is, written out accurately in a large, plain hand, on parchment.

14. Signatures of the Presiding Officers.—The speaker of the House then signs this parchment copy, and informs the House of his action. The clerk carries it to the Senate, and there announces that the speaker has signed the enrolled bill. The president of the Senate then signs it, and informs the Senate of his action, after which the bill is returned to the House.

15. Signature of the President.—Next it is carried by the committee on enrolled bills to the President of the United States. If he approves it, he adds his signature, and sends his private secretary to the House to announce the fact. The President, in person, carries the bill, which has now become a law, to the Secretary of State, who first has a copy made for the public printer, and then has the parchment carefully deposited among the public archives of the Department of State.

16. President's Veto.—But, if the President of the United States does not approve the bill, he returns it to the House, because it originated there, with a message stating his reasons for not signing it. These are entered on the journal of the House.

17. Passage Over the Veto.—The bill, although vetoed, may still become a law. Upon its reconsideration by both houses, if two-thirds of each house vote in favor of its passage,

it then becomes a law without the President's signature. When this vote is taken, the Constitution provides that it must always be by yeas and nays, and the names of all persons voting for and against the bill must be entered on the journal of each house respectively.

18. Return of Bill within Ten Days.—If the President does not return a bill within ten days, Sundays excepted, after it is presented to him, it becomes a law without his signature, unless Congress in the mean time adjourn, and thus prevent its return. In such case it does not become a law. This is provided to prevent the President from defeating legislation by keeping bills in his possession. Also, if he does not exactly approve a bill, and yet does not care to veto it, he may, by keeping it beyond the ten days, cause it to become a law without the approval which his signature would indicate. But, in case Congress adjourns in less than ten days after presenting him with a bill, then it cannot become a law without his signature, no matter how long he keeps it. If this were not so, Congress might adjourn immediately after sending the bill to him, in order to prevent its return with objections; and thus it would become a law without any reference to the President's wishes.

In case Congress does adjourn within ten days after presenting a bill to the President, then the latter, if he does not wish it to become a law, may simply leave it unsigned. The bill is then said to be "pocketed."

19. Conference Committees.—It sometimes happens that the two houses cannot agree on certain points in a bill. A conference committee, composed of members from both houses, is then selected by the presiding officers. This committee confers upon the disputed points, and, if possible, comes to some agreement. Their report is usually accepted by both houses.

20. Bills Originating in the Senate.—Bills originating in the Senate go through exactly the same process as those originating in the House, except that the work of the Senate precedes that of the House in all the different stages. Also, instead of the clerk of the House, the secretary of the Senate has the bill in charge.

III. MEASURES OTHER THAN BILLS. But Congress might attempt to pass laws without presenting them for the President's signature, by introducing them in some other form than that of a bill. The Constitution therefore declares that all orders, resolutions or votes to which the assent of both houses is necessary, except on a question of adjournment, must be presented to the President of the United States, in the same manner as prescribed in the case of bills.

THIRTY-FIRST LESSON.

POWERS GRANTED TO CONGRESS.

ARTICLE I; Section 8.—*Powers Granted to Congress.*

The Congress shall have power :

1. To lay and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;
 2. To borrow money on the credit of the United States;
 3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.
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I. PARTY DIVISIONS. The question of how the governmental powers should be distributed between the Nation and the States, divided the Constitutional Convention into two parties. One party strongly favored giving large powers to the National Government, while the other as strongly desired that the States should retain the largest proportion of power, giving up only such part as would insure the existence of a National Government. Thus it was necessary that the powers surrendered by the States should be minutely enumerated in the Constitution, in order that it might always be understood just what the President and Congress are authorized to do.

Ever since the framing of the Constitution, the people have been divided into political parties over the question of its interpretation. One party, believing in a strict construction, has favored State legislation rather than Congressional; while the other party, believing in a liberal construction, has advocated giving all possible legislative power to Congress, thus limiting that of the States.

II. POWER OF TAXATION.

1. Its Necessity.—We have only to recall the history of the Confederation to know how any government must end which does not possess the power of raising money to meet its

expenses. The authors of the Constitution understood this, and gave to Congress full power to lay and collect all necessary taxes. As it is a principle of free government that the people cannot be taxed without their consent, this power was placed in the hands of Congress, the department which directly carries out the people's will.

2. Kinds of Taxes.—As we have already seen, taxes are of two general kinds, direct and indirect. The words *taxes*, *duties*, *imposts* and *excises*, as used in the Constitution, do not mean four distinct and different things, but simply cover all the usual methods of taxation. The meaning of these words varies considerably, and it is impossible to give exact definitions of them. We will simply define them as generally used.

1. *Direct Taxes*.—The word *taxes*, as used in the clause under consideration, refers to direct taxes. Previous to the commencement of the Civil War, direct taxes were laid but four times by the National Government. Subsequently they were levied for a few years, in order to pay the enormous expenses of the war.

2. *Indirect Taxes* furnish in great part the National revenue. Duties, imposts and excises cover all kinds of indirect taxation; but, as commonly used, duties and imposts refer simply to the taxes on goods *imported* from foreign countries. Further on, the Constitution forbids the laying of taxes on *exported* goods, otherwise these terms would also cover such taxes. Another word of similar meaning, namely, *customs*, has come to be generally used. Duties on imported goods are of two kinds, *specific* and *ad valorem*.

A *specific* duty is a tax levied on goods according to their quantity or weight, without regard to their value; as six cents on a pound of coffee, one dollar on a yard of silk, and thirty cents on a gallon of molasses.

Ad valorem is from the Latin, *ad* and *valorem*, signifying *according to the value*; hence an *ad valorem* duty is a tax laid on articles according to their value; as, twenty-five per cent. on the cost of a quantity of silks, or forty per cent. on the cost of a case of diamond rings. This duty is always computed on the cost of the goods in the country where they were purchased.

A *tariff* is a list or table of goods, with the duties to be paid for the same on their importation.

Excises are taxes laid on articles manufactured and used within the country, and also on various kinds of business. These taxes make up our internal revenue. They are chiefly laid on the manufacture and sale of tobacco and alcoholic liquors, and on national banks, which pay a tax of one per cent. per annum on their average circulation. Moneys paid for licenses to deal in any commodities are excise taxes.

3. Collection of Taxes.—Indirect taxes, collected under authority of the Federal Government, are nearly all paid at the custom-houses and internal revenue offices of the country, under the direction of the treasury department. The bank tax may be paid at any United States depository; that is, any bank designated by the government according to law to receive and hold its funds.

Duties are collected at the custom-houses, located at certain ports along the coast, called *ports of entry*. The States are divided into collection districts, and an officer, called a *collector of customs*, appointed by the President for each district. A vessel must first come to one of these ports, and its master deliver a statement concerning the cargo. Then an examination is made of the cargo and an estimate given of the duties to be paid. These must be paid to the collector, or ample security given, before he will grant the necessary permit for unloading and delivering the goods. If the duties are not paid the collector seizes the goods, which are then forfeited to the government.

In the case of *ad valorem* duties, the owner of the merchandise is required to swear to the accuracy of his bill of goods; that is, the cost of the goods where purchased. If he makes a false statement, and the fraud is detected, his goods are forfeited to the United States, and he himself may be punished.

Many times goods are secretly landed, or are concealed to avoid paying duties. This is called *smuggling*; and if a person is detected at this, his goods are forfeited to the government and punishment inflicted upon himself. The government has small, swift-sailing steam vessels, called revenue cutters, which

are used at the principal ports to assist in enforcing the revenue laws.

Excise taxes are paid to officers of the internal revenue.

4. Objects of Taxation.—The objects for which Congress may levy these taxes are :

1. To pay the public debt of the United States.
2. To provide for the common defense of the country.
3. To provide for the general welfare.

Thus no taxes can be laid except for purposes of interest to the Nation at large. The first two objects limit the outlay of taxes to exact channels; the last, "for the general welfare," is broad in its signification, and gives Congress large discretionary power.

5. Uniformity of Taxation.—All duties, imposts, and excises must be uniform throughout the United States. A previous provision makes direct taxes uniform, by directing that they be laid according to the population. This clause declares that indirect taxes shall also be uniform. Thus no State and no individual can ever be compelled to pay more than a just share of the National taxes.

III. POWER TO BORROW MONEY. Congress is given the power to borrow money on the credit of the United States. Unexpected emergencies may arise in which the ordinary slow methods of taxation would not bring in money in time for the sudden demand. Also the amount that could be thus raised might not be sufficient to meet the unusual expenses. Without this power of borrowing money, the government at such times would be helpless.

In our wars with Great Britain and Mexico, it was necessary to borrow large sums of money; and in the Civil War the public debt reached nearly the sum of \$3,000,000,000. The government issues bonds for the borrowed money, called Government Bonds; and the credit of the United States is considered so good that these bonds are in great demand as investments, and sell for more than their face value, although many of them bear very low rates of interest.

IV. POWER TO REGULATE COMMERCE. Previous to the formation of the Constitution, the commerce had fallen into a most deplorable condition. Congress had no power at all in the matter; and the States, possessing unlimited power, made all manner of regulations, each pursuing its own interests and jealous of all its neighbors. Therefore in the Constitutional Convention, ready consent was given to place with Congress the whole power of regulating commerce.

COMMERCE WITH FOREIGN NATIONS AND AMONG THE SEVERAL STATES.

1. Duties.—We have just seen that the government has power to lay taxes on imported goods for the purpose of paying governmental expenses. By this provision, giving it power to regulate commerce, Congress could also lay duties to any amount considered necessary. Under the Confederation, foreign nations, particularly Great Britain, imposed heavy duties on goods taken into their markets from this country. That proved an injury to our people, by preventing the sale of our commodities there. For example, if a bushel of corn sells for seventy-five cents in England, and a bushel can be raised here and taken there and sold for the same price, then we have an equal chance with the English merchant in selling corn there; but if England should place a duty of fifteen cents a bushel on corn sent from here, we would be obliged to sell for ninety cents a bushel; and of course, as the English corn could be purchased for seventy-five cents, we would be shut out of the market. When the power to regulate commerce was given to Congress, that body retaliated, by placing duties on articles which England sent here. This was done in order to force Great Britain to abandon her policy.

It was also thought that duties on imports would protect the commercial interests of our country, by shutting out foreign manufactures and thus encouraging our own manufacturing interests. This policy the United States Government has since pursued.

2. Registering Vessels.—Vessels built and owned in this country may be registered on the collector's book as American

vessels. A vessel thus registered is entitled to the full protection of this government; and, if it is seized or injured in any place, the United States Government is bound to demand satisfaction of the government whose subjects or citizens have committed the wrong. All American vessels may engage in coast trade here, but foreign vessels are prohibited from such privilege.

3. Clearance and Entry.—Whenever a vessel, whether foreign or domestic, leaves a port, the master must obtain from the collector a certificate stating that all the fees have been duly paid, and all other provisions of the law observed. This is called a *clearance*. When the vessel arrives at a port, the master must report its arrival, give information of its cargo, and deliver up to the collector the *clearance*. This is called *entering* the vessel.

4. Navigation.—Congress also, in the interest of commerce, passes laws for constructing light-houses and piers; for providing signal and life-saving stations along the coast; for placing buoys and beacons; for removing obstructions from bays and rivers; for regulating the number of passengers that may be carried by vessels, and the measures that must be taken for their health and safety; and for lessening the dangers of navigation in many other ways.

COMMERCE WITH INDIANS.

1. Why Regulated by Congress.—When there was no uniformity of traffic with the Indians, constant difficulties arose. The Indians were often wronged, and, in consequence, committed many murders and depredations. It was believed that by a uniform system of commerce, their rights would be better protected, and many of the difficulties prevented.

THIRTY-SECOND LESSON.

POWERS GRANTED TO CONGRESS.

ARTICLE I; Section 8.—*Powers Granted to Congress, continued.*

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States;
 5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;
 6. To provide for the punishment of counterfeiting the securities and current coin of the United States;
 7. To establish post-offices and post-roads;
 8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;
 9. To constitute tribunals inferior to the Supreme Court.
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I. NATURALIZATION.

1. Definition.—*Naturalization* is the legal process by which an alien or foreigner becomes invested with the rights of a citizen. In the United States this gives him all the privileges of a native born subject, except eligibility to the presidency and vice-presidency.

2. Uniformity of Laws.—Congress is given exclusive power to pass laws regulating naturalization. This, like most of the provisions of the Constitution, was made in order to correct an error of the Confederation, which left all such power to the individual States, and gave rise to much difficulty on account of the diversity of their laws. Congress has established a uniform rule, by which an alien may become a naturalized citizen of the United States, as also of the State or territory in which he resides at the time, and of any State or territory to which he may remove.

3. Laws of Naturalization.—No alien can be compelled to become a citizen of the United States; but, if he so desires, after having resided here five years, he may become one. The following is the process:

1. He must make oath or affirmation, before a court, that he intends to become a citizen of the United States, and to renounce forever all allegiance to any other government. This declaration of intention, as it is called, *must* be made at least two years before the final steps are taken. It may be made upon his first arrival; but, of course, he would have to wait until the end of the required five years to receive his naturalization papers.

2. When the necessary length of time has expired, he must prove satisfactorily to the court that he has resided five years in the United States, and one year in the State or territory in which the court is held. He must then make oath or affirmation that he voluntarily renounces forever all allegiance to any foreign government, and particularly the one of which he has before been a subject, and that he will support the Constitution of the United States. He is also required to renounce any title of nobility he may have.

3. There is one exception to this rule. A soldier may become a citizen of the United States, if he is twenty-one or more years of age, has served one year in the United States army, and received an honorable discharge, and makes the proper oath of allegiance to our government. The fact of his wishing to defend the country is thought to be sufficient evidence of his good faith in becoming a citizen.

4. Children born in foreign countries, whose parents are citizens of the United States, are American citizens. The children of naturalized parents are citizens of the United States, provided they were under the age of twenty-one years at the time their parents were naturalized.

II. BANKRUPTCY. When a person is unable to pay his debts, he is said to be *bankrupt*; and a law which releases a debtor from all future payment of such debts, upon his giving up his entire property to his creditors, is called a *bankrupt law*.

The object of bankrupt law is two-fold:

1. To satisfy creditors, as far as the entire property of the debtor will do so.

2. To relieve an honest but unfortunate debtor from liability to imprisonment and secure to him his future earnings, in

order that he may be encouraged to commence business anew.

Congress is given full power to make uniform bankrupt laws and four times has exercised the right, the last law going into effect July 1, 1898. In the first three cases the general opinion seemed to be that the laws worked in favor of dishonest debtors, by allowing them to escape from the payment of their just debts. These laws were therefore each time, after a brief interval, repealed.

Many of the States have passed bankrupt laws of their own, which they are free to do as long as Congress does not exercise its right; but at any time when Congress passes bankrupt laws, those State laws which in any way conflict become void.

III. COINAGE OF MONEY. Congress alone has the power to coin money, and to regulate its value and that of foreign coins. The coining of money in every country is an exclusive privilege of sovereignty. The power here is placed with Congress, the representatives of the sovereign people. Exercising this power, Congress has passed laws by which our Nation has a uniform and convenient decimal currency.

Congress also, besides coining and regulating the value of our own money, fixes the value of foreign coins; that is, it determines what amount of our money foreign coins shall equal. If this were not so, different States might fix different values for the same foreign coins, thereby causing great wrong and confusion.

As is well known, coin is not the only form of money in circulation in this country. It is very largely used in the Pacific States; but otherwise the great volume of our circulating medium consists of paper money, which has come to be generally referred to as *currency*. This comprises national bank bills or notes, ordinarily called *national currency*, United States treasury notes, popularly known as *greenbacks*, and gold and silver certificates. Of these, gold coin, silver dollars and greenbacks are *legal tender*; that is, if a creditor demands it, the debt, if over ten dollars, must be paid in some one of these forms of money. Silver coins below one dollar in value are legal tender in sums of not more than ten dollars, and copper and nickel coins in sums of not more than twenty-five cents.

IV. WEIGHTS AND MEASURES. The power is also given Congress to fix the standard of weights and measures; but it has never yet exercised this power. The States, therefore, can adopt their own standards. Congress has, however, obtained accurate copies of the English standards and adopted them for use in the custom-houses of the country. It has also legalized the metric system, but has not made its use obligatory. This system is little used except by scientific men.

In 1836 the United States government sent each State a full set of weights and measures as used in the custom-house. These have been adopted by the States as their standards, so that we have a uniform standard throughout the country. This is very necessary for convenience in trade, and without it there would be great embarrassment.

V. COUNTERFEITING. The power is given Congress to punish the counterfeiting of the securities and current coin of the United States. By securities is meant bonds, treasury notes, and other evidences of indebtedness of the United States Government.

If Congress could not inflict punishment for this crime, there would soon be so much spurious coin and securities in circulation that the genuine ones would become worthless, and people would be afraid to use money as a medium of exchange. Therefore laws have been passed on this subject, by which counterfeiting either domestic or foreign coin and securities is punished by heavy fines and long terms of imprisonment.

VI. POST-OFFICES AND POST-ROADS. Were the individual States left to regulate their own postal systems, the confusion and delay that would result in the transmission of our vast amount of mails would be of the greatest injury to both the private business and public interests of the people. It was wisely left with a single power, Congress, to exercise control over this department. Its general management is placed in the hands of the Postmaster-General, and the subject will be further discussed in connection with that officer.

A post-road is one over which the mail is carried; and any railroad, river, canal, pony trail or wagon route becomes a post-

road when provision is made by the government for the carrying of mail upon or over it. Congress has not found it necessary, except in rare instances, to establish post-roads, the roads opened by the inhabitants of the country having been, in general, sufficient. It has, however, often appropriated money for building bridges and making other improvements.

VII. PROTECTION OF AUTHORS AND INVENTORS. The progress of science and the useful arts is promoted by new books and new inventions. But poor men could not afford to spend their time and labor in writing new books and making new inventions, and few rich men would care to do so, if anyone could print and sell their books, or manufacture and sell their inventions, and thus take from them the reward of their labors.

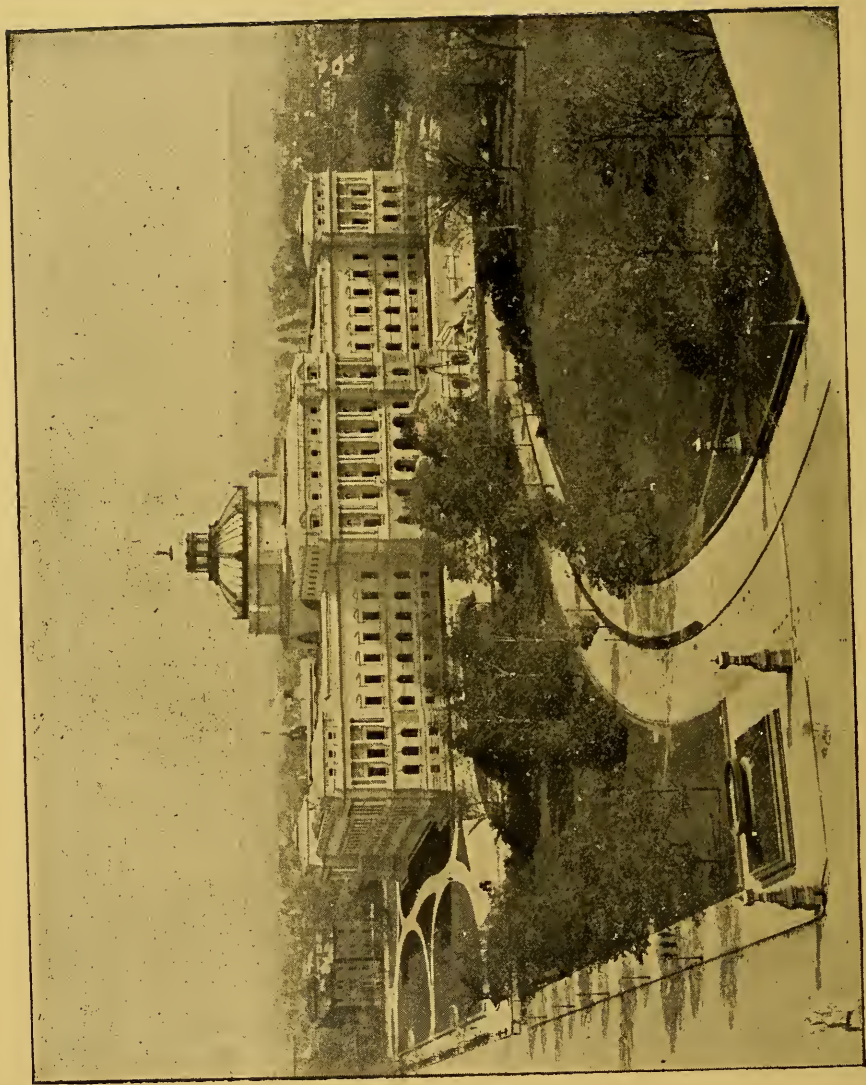
The power to regulate this matter was given to Congress, because no State had power to punish infringement outside its limits. Congress has, therefore, enacted *copyright* and *patent* laws, by which authors and inventors have secured to them, for limited times, the exclusive right to their writings and discoveries.

But Congress can only secure this right for *limited* times. To give authors and inventors the sole right to their works for unlimited periods of time would tend to check the progress of literature and invention, by establishing continuous monopolies.

1. Copyrights.—An author of a book, map, engraving, chart, photograph, dramatic or musical composition, print, cut, painting, drawing, chromo, statute, statutory, model, or design for a work of the fine arts, may, if he desires, with very little trouble and expense, secure a copyright for his production. This *copyright* gives him the sole right to print, publish and sell his literary production, or multiply and sell copies of his work of art, for the term of twenty-eight years. At the expiration of that time, the copyright may be renewed for an additional term of fourteen years, either by the author, or, in case of his decease, by his living representatives.

The method of securing a copyright is as follows:

1. Before publication, a printed copy of the title of the book, map, chart, dramatic or musical composition, engraving,



THE CONGRESSIONAL LIBRARY, WASHINGTON, D. C.

cut, print, or photograph, or a description of the painting, drawing, chromo, statute, statuary, model, or design, must be sent to the Librarian of Congress, Washington, D. C., together with a fee of fifty cents. This is all the charge for securing a copyright.

2. Not later than the day of publication, two copies of the work must be sent to the same official. In the case of a print, drawing, statute, statuary, model, or design for a work of the fine arts, a photograph of the same must be sent.

3. Notice of copyright must appear on the title page, or the page following, of every copy of a book, and upon a visible portion of every other article, by inscribing there either of the two following forms:

Entered according to Act of Congress, in the year —, by —
—, in the office of the Librarian of Congress, at Washington; or
Copyright — by — —.

2. Patents.—A *patent* is the sole right to make, use or sell a new invention. *Letters patent* are the official documents granting a patent. Patents are granted by the United States government for four classes of inventions: a new or useful art, machine, manufacture, or composition of matter, also any new and useful improvement on such.

In securing a patent there is much more to be done than in the case of a copyright; and the expense is much greater.

First, an application in writing, signed by the inventor, must be sent to the Commissioner of Patents, Washington, D. C. The applicant must give a full description of the invention, and send drawings and models in cases that admit of them, and specimens of each ingredient in cases of composition of matter. He must distinctly state what improvement he claims as his own discovery.

The discovery or invention must not have been in public use or on sale for more than two years before making the application. Examination is made at the patent office, by clerks or examiners, to see if the invention has not been before patented. There are various other steps to be taken; and by circulars obtained from the Commissioner of Patents, all necessary information regarding the matter may be obtained.

Patents are issued for a term of seventeen years. Each article must be marked with the word "patented," the day and year when the patent was granted being also given.

VIII. INFERIOR COURTS. Under the power granted to establish inferior courts, Congress has created a system of courts which will be described under the UNITED STATES JUDICIARY.

THIRTY-THIRD LESSON.

POWERS GRANTED TO CONGRESS.

ARTICLE I; Section 8.—*Powers Granted to Congress, continued.*

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

16. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

I. PIRACIES AND FELONIES ON THE HIGH SEAS.

1. Definitions.—*Piracy* is commonly defined as forcible robbery or depredation on the high seas, without lawful authority. The same offense is called *robbery* on land, and *piracy* on the high seas.

The term *felony*, in American law is generally applied to any high crime punishable by death or imprisonment, as murder, manslaughter, arson, burglary, etc.

On account of the diversity that may and does exist in the definitions of these words, Congress is given the power to define them, in order that there may be uniformity. It has passed several acts declaring what crimes shall be treated as piracies. Principal among these, in modern times, is the slave trade.

By *high seas* is meant, not only the waters of the ocean which are out of sight of land, but also the waters of the sea coast below the low water mark, whether within the boundaries of a nation or state.

2. Power of Punishment.—Naturally the power to punish crimes on the high seas belongs to the National Government, as the jurisdiction of the States does not extend outside their limits. And as Congress has control of commerce and all foreign relations, the power of protecting navigation of necessity belongs to that body.

II. OFFENCES AGAINST THE LAW OF NATIONS. Foreign nations naturally hold the National Government responsible for offenses committed by its citizens against their laws. Americans are, to them, citizens of the United States, and not of individual States. Therefore, unless the National government had the power to punish such offenses, there would be constant danger of controversy and war with other nations. Congress may also define as well as punish these offences.

III. DECLARING WAR. The power to declare war is one of the highest privileges of national sovereignty, and one that should be exercised with the most extreme care. In monarchical governments this power belongs to the monarch, and is often used unnecessarily as a means of securing wealth and glory, or avenging imaginary wrongs. But it is the people who have to bear the burdens of war, and therefore the people should have the power to say whether war should or should not be. Here they have this power through their representatives in Congress; and the chief executive is denied so dangerous a privilege.

IV. LETTERS OF MARQUE AND REPRISAL.

1. Definition.—*Marque*, derived from a word meaning

boundary, is a license by the government to go beyond the limits of one's own country for the purpose of making *reprisals*. This latter word signifies a taking in return, by way of retaliation.

Letters of marque and reprisal are commissions from the government, authorizing private persons to seize the property of an enemy, as a satisfaction for some injury committed.

2. When and How Used.—These letters are generally granted in time of war, to the owners or masters of armed vessels which are private property, and which, when thus commissioned, are called *privateers*. This commission permits the capture of any of the enemy's vessels, whether owned by the government or private citizens, and whether armed or not. The owner and crew of a privateer are allowed to have the property captured.

Even in time of peace, these letters are sometimes granted by a government to subjects who have been wronged by the subjects of another nation and are denied justice, in order that the injured parties may obtain satisfaction for their injuries.

Formerly privateering was a common practice; but in more recent times it has come to be looked upon as disreputable, and little more than legalized piracy. Nearly all of the highly civilized nations have discontinued its practice.

3. By Whom Granted.—Congress has the sole power to grant these letters. As the tendency of reprisals is to provoke war in time of peace, and as, in time of war, they are merely one means of carrying on the war, the power, of right, belongs exclusively to the National Government.

V. CAPTURES ON LAND AND WATER. The power of making rules concerning captures on land and water belongs, with the other war powers, to Congress. The captured property is called a *prize*, and is usually distributed among the captors as a reward for bravery. But first a competent United States court must decide that the property was legally captured from the enemy, that is, was captured according to the prescribed rules of honorable warfare. This is to guard against the liberties and abuses which always accompany war.

VI. RAISING AND SUPPORTING ARMIES. The experience of the government during the Revolution, when it could declare war but could not raise or pay a single soldier, clearly demonstrated to the country the need of such power in the hands of the National Government. Therefore, as Congress was given the privilege of declaring war, the power to raise and support armies was joined with it.

But Congress cannot make any appropriation of money for this purpose for a longer term than two years. This restriction was placed on its power, in order that no Congress might vote appropriations so far ahead as to make it possible for the President, who is commander-in-chief of the army, to gather so large a force under his control that he could defy the power of Congress and overthrow the government. It was also done to prevent the keeping of a large standing army. As the army is dependent for its support upon the appropriations of every new Congress, by refusing to vote such means of support, any Congress could cause the dismemberment of an armed force that was threatening the liberty of the people. Appropriations are now made annually, and the army is thus kept closely under the control of the people's representatives.

VII. PROVIDING AND MAINTAINING A NAVY. For a country like ours, a navy is as indispensable as an army. Not only is it needed to protect commerce, fisheries and navigation, but, in time of war, to protect our long stretches of sea coast from the enemy. Many of our chief commercial cities are located on the coast, and their possession would give dangerous advantage to opposing forces.

The navy of any nation consists of the whole number of its ships of war taken together. The power to provide and maintain a navy belongs with the power to raise and support armies.

VIII. THE GOVERNMENT AND REGULATION OF THE LAND AND NAVAL FORCES. Congress, exercising the power given it, has enacted a code of rules for the government and regulation of the army and navy, both in time of peace and of war. These rules together are called the *military law*.

IX. THE MILITIA. As we have but a small standing army our country places its main reliance upon the citizen soldiers or militia of the States, both to protect it against foreign invasions and quell domestic insurrections. Therefore the power to provide for calling forth this militia belongs with Congress, who has the power to declare war. It may be called out:

1. To execute the laws of the United States.
2. To suppress insurrections.
3. To repel invasions.

Congress has exercised its privilege by conferring upon the President the power of calling forth the militia whenever a necessity provided for by the Constitution arises.

To the National Legislature is also given the power to provide for organizing, arming and disciplining the militia. But to the States is reserved the privilege of appointing officers, and of training the militia, which latter must be done according to the discipline prescribed by Congress. Harmony of action, when it comes to actual service in the field, is a necessity, and it is only possible when troops have been organized, armed and disciplined under a uniform system.

X. CEDED DISTRICTS.

1. District of Columbia.—Near the close of the Revolutionary war, when the old Continental Congress was in session at Philadelphia, it was at one time subjected to insult by some insolent mutineers of the American army. The Pennsylvania State authorities giving it no protection, it was forced to remove to Princeton, N. J., in order to escape open violence. At various other times it was necessary to change the seat of government.

By reason of these experiences, the framers of the Constitution appreciated the necessity of giving to the United States absolute control over its seat of government. The clause to this effect was therefore inserted in the Constitution.

When the National Government organized, there was, at first, great jealousy between the States with reference to the location of the National Capital. The principle cities in the Middle States, Philadelphia and New York in particular, contended for the honor. They thought thereby to gain great

importance and perhaps acquire larger influence in the General Government. Partly to avoid this very possibility, Congress decided to locate the seat of government at an entirely new place.

In 1788-9, Maryland and Virginia ceded to the United States a tract of land containing one hundred square miles, lying each side of the Potomac River. This section was the choice of the patriot whose name the capital city bears. The government was removed there in December, 1800, where it has since remained. But the section proved so much larger than was needed, that, after nearly sixty years, the gift of Virginia, about forty-five miles square, was returned to her, leaving the District wholly on the Maryland side of the river. It is now almost entirely occupied by the cities of Washington and Georgetown, with their suburbs.

This District is neither a State nor a territory. Its inhabitants do not vote, and have no representatives in the National Legislature. Congress having entire control of the District, makes special laws for its government. It has placed the general management in the hands of three commissioners, two of whom are appointed by the President and Senate for three years, while the third is an officer of the corps of engineers of the army, selected by the President.

2. Other Ceded Districts.—Congress also has exclusive control over all places purchased for the erection of forts, magazines, arsenals, dockyards and other needful buildings, provided these places are purchased by the consent of the Legislatures of the States in which they are. It is only by consent of the Legislatures that the State governments lose their jurisdiction over these places; and the National Government cannot force them to do this. Unless such consent is given, the State still has jurisdiction over places held by the United States within its limits.

It is very important that Congress should have exclusive control over such places, in order to prevent misunderstandings as to jurisdiction between the National Government and the State Governments. The inhabitants of these ceded places are legally, no longer inhabitants of the State, and do not possess

the civil and political rights which would belong to them under the laws of the respective States.

Quite generally the States reserve the right to serve all State processes, both civil and criminal, upon persons found therein in order to prevent such places from becoming retreats for fugitives from justice, who have committed crimes against State authority.

XI. IMPLIED POWERS. When a person is given the power to do some particular thing, it is reasonable to suppose that the use of means necessary to accomplish that thing is also granted. The Constitution gives Congress power to do various things, and, necessarily, the right to use all means needed for the accomplishment of these things belongs with it.

But in order, evidently, to settle any questions that might arise concerning the supreme authority of Congress over all National matters not expressly forbidden by the Constitution itself, the eighteenth clause was added. It gives Congress the privilege of making all laws necessary and proper for carrying into execution all power vested by the Constitution in the Government of the United States, or in any department or office thereof.

This was called the "sweeping clause" by Patrick Henry, and is often said to give Congress power to do anything and everything. Great opposition to it was exhibited by those favoring large State powers, when the Constitution was under discussion; and it is over these implied powers of Congress that parties favoring a strict or a liberal construction of the Constitution divide.

Under the right of implied powers, Congress has passed some of the most important of its laws. The purchase of great tracts of foreign territory, the establishment of national banks, and the law making greenbacks legal tender, are among these.

THIRTY-FOURTH LESSON.

PROHIBITIONS UPON THE UNITED STATES.

ARTICLE I.; Section 9.—*Prohibitions Upon the United States.*

1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign State.

I. THE SLAVE TRADE. As far back as the history of the human race reaches, slavery is known to have existed. Barbarous and civilized nations alike have upheld and followed this practice. Among the ancient races the slave trade was a regular branch of commerce, and even at the time of the formation of the Constitution it was carried on to a certain extent by every civilized nation in Europe. Many of the American colonists, however, looked upon this practice with disfavor, and attempted to check it while they were still under British rule; but the English government refused to listen to their

appeals, and in every way favored importing slaves into the colonies. After the colonies became States, many of them prohibited the foreign slave trade; and in the Constitutional Convention there were many of the delegates who strongly condemned the whole system of human servitude. But the delegates from those States which still imported slaves, and whose climate and soil were favorable for negro labor, insisted that the right of importing slaves should be secured to the States, and that, otherwise, their States would not ratify the Constitution. The opposing party thought such a provision would dishonor a government founded on principles of liberty and equality; and some opposed it on the ground that it gave a State opportunity to increase its representation in Congress by importing slaves from Africa.

But, though the majority were in favor of leaving Congress free to prohibit the trade at any time, it was evident that so many States, in such case, would reject the Constitution, that this majority partially yielded. They agreed to leave the slave-trade free for twenty years, or until 1808, with the condition, however, that a tax or duty might be imposed, not exceeding ten dollars, for each person imported.

After the adoption of the Constitution, although Congress could not prohibit the importation of slaves into the States, it did all in its power to otherwise prevent the traffic. It passed acts prohibiting the people of the United States from transporting slaves *from* the United States to any foreign country, or between foreign countries, for purposes of traffic. And just as soon as the twenty years had expired, on the first day of January, 1808, an Act of Congress took effect, imposing heavy penalties upon any person who should engage in the slave-trade. Other acts followed, increasing these penalties; and in 1820 foreign slave-trade was declared to be piracy, punishable with death. All of these acts referred to *foreign* slave-trade, and none to the traffic between the different States; that matter was regulated by the States themselves.

II. THE WRIT OF HABEAS CORPUS. The suspension of this writ was thought to be so dangerous to personal liberty that Congress was expressly forbidden the privilege, except in

times of rebellion and invasion; and then in no case where the public safety does not actually require it. During the Civil War the power of suspending this writ was vested by Congress in the President, and was exercised by him in those localities actually in a state of war.

III. BILLS OF ATTAINDER. Among the former customs of England, one of the most cruel and tyrannical was the method of condemning persons by *bills of attainder*. These were Acts of Parliament, by which a person was convicted of some great crime, usually treason, punishable by death, without any regular trial in court. And not only was his life forfeited, but all his property went to the English crown; and his blood was said to be corrupted or *attainted*, so that his children could not inherit from their ancestors any property or title which descended through the father. This was a favorite means of getting rid of persons who had committed no real crime, but who had become obnoxious to the king or Parliament, usually by reason of political opinions.

The exercise of such a power would violate every principle of our free government. Therefore Congress is forbidden ever to pass such laws.

Sometimes, in England, another kind of bill, called a *bill of pains and penalties*, was passed, to punish obnoxious persons. This differed from the bill of attainder only in not inflicting the death penalty. It is generally held that the prohibition in our Constitution concerning bills of attainder includes, also, the bill of pains and penalties.

IV. EX POST FACTO LAW. When the law in force in regard to the slave trade made that offense punishable with fine and imprisonment, if offences of such nature had been committed, and afterward Congress, in passing the act that made the crime punishable with death, had applied it to those cases, that law would have been an *ex post facto* law. If Congress should to-day pass a law making the importation of foreign cloth an offence punishable with fine and imprisonment, and apply it to all cases of persons who had imported such goods within the past year, that would be an *ex post facto* law. The expression *ex post facto* is from the Latin, and means literally

“from after the fact.” Any law passed after an act is committed, making that act punishable, although it was not punishable when committed, or any law making the punishment for an offence greater than it was when the offence was committed, is an *ex post facto* law. The Supreme Court of the United States has defined such a law as “one which renders an act punishable in a manner in which it was not punishable when it was committed.”

Justice requires that a person should not be punished for an act that was innocent when done; and that he should know, or have it in his power to know, just how great the punishment for an act is when he is committing it, and consequently what risks he is taking.

V. DIRECT TAX. It will be remembered that by the clause providing for the apportionment of members of the House of Representatives, direct taxes were to be apportioned in the same manner, according to the population, counting three-fifths of the slaves. This clause, declaring that no direct tax shall be laid except in that way, was added for greater security.

Of course, if direct taxes were now levied, they would be in proportion to the whole population, less the Indians not taxed.

VI. EXPORT DUTIES. Several provisions of the Constitution aim at the impartial distribution of taxes among the States. This clause, prohibiting the laying of export duties, is one of them. As the productions of the States vary greatly with climate, soil, and location, it would be impossible to so adjust export duties that their burden would bear equally on all the States. If Congress had the power of laying export duties, there would always be danger of the representatives from certain States combining to lay heavy duties on the exports of other States, and light ones on the exports of their own. This would be a constant source of irritation between the States.

Also, export duties would necessitate increasing the prices of our exported goods sufficiently to cover these taxes; and this

in many cases, would make it impossible for us to compete with other nations in foreign markets.

VII. NO PREFERENCE IN TRADE. Moreover, it was intended that all the States should share equally in the privileges of trade; hence any preference of the ports of one State over another is forbidden; and no vessels bound to or from one State are obliged to enter, clear, or pay duties in another. This does not mean that vessels going from one State to another are not obliged to enter, clear, or pay duties at all, for there are laws of Congress enforcing these things in certain cases. But it means that a vessel can only be obliged to clear in the State *from which* it is bound, and enter and pay duties only in the State *to which* it is bound. This was to prevent vessels from being compelled to enter, clear, or pay duties at ports from which they did not come and to which they were not going. Thus a vessel bound to Tacoma from Panama could not be obliged to enter, clear, or pay duties in Portland.

During the colonial period, American vessels were compelled to enter and clear at an English port before they could trade with foreign ports, no matter how great the inconvenience.

VIII. APPROPRIATIONS. To the long list of powers given Congress by the people of the United States, the control of the public treasury was added. Not a cent of money can be drawn from this treasury without the consent of Congress. The War Department cannot pay the salary of an officer, the Navy Department cannot pay for a ship of war, the President himself cannot draw a dollar of his salary, until Congress has made an appropriation for each particular case; that is, has passed an act providing that a certain sum of money in the treasury may be paid for such purpose. Thus the public money is entirely controlled by the representatives of the people.

At every session Congress makes an immense number of appropriations, the ordinary annual expenses of the United States Government being more than \$240,000,000. But in order that Congress may not pay out the people's money in a wasteful and extravagant manner, a check is placed on their action, by requiring the publication from time to time of a regular statement and account of all receipts and expenditures

of public moneys. This also acts as a check on the heads of departments in regard to incurring unnecessary expenses. Short general statements are published monthly, and full accounts annually.

IX. TITLES OF NOBILITY. Congress is emphatically forbidden to grant any title of nobility, either to the citizens of this country, or those of any other country. It was intended that this should be a government under which all men are equal, where no unjust class distinctions exist.

X. GIFTS. In order to guard against officials of the United States being influenced by foreign governments in the performance of their duties, all such officials are forbidden to accept any present, emolument, office or title from any king, prince or foreign state, unless Congress gives special permission.

An Oriental ruler once presented President Van Buren with some costly jewels; but he could not accept them, and they still lie in the United States treasury at Washington. Also in the National Museum are many valuable and beautiful articles which have been presented to different United States officers, and handed over by them to the government. Occasionally Congress passes a special act, allowing some officer to keep a gift.

THIRTY-FIFTH LESSON.

PROHIBITIONS UPON THE STATES.

ARTICLE I; Section 10.—*Prohibitions upon the States.*

1. No State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delay.

I. TREATIES, ALLIANCES AND CONFEDERATIONS. The States are forbidden to enter into any of these engagements. Treaties are agreements between two or more nations upon any subject; alliances and confederations are unions of nations for some common object; but a confederation is a closer union than an alliance. If individual States were free to enter into any of these agreements or unions with foreign nations, the arrangements of one State would constantly interfere with those of another and with those of the General Government. This would occasion trouble between the States, and difficulties with foreign nations that might end in war. As all the States form one Nation, plainly the privilege of treating with foreign powers should belong to the National Government alone.

II. LETTERS OF MARQUE AND REPRISAL. The States are forbidden to issue these commissions, as by so doing any one State might at any time involve the whole country in wars with foreign governments.

III. PROHIBITIONS CONCERNING MONEY.

1. Coining Money.—If the States were allowed the privilege of coining money, there would be no uniformity in the currency of the country; and that was one great object in giving the power to Congress. Therefore they are denied the privilege.

2. Emitting Bills of Credit.—This the States are also forbidden to do. *Bills of Credit* are paper obligations or promises to pay certain amounts of money to persons holding them, and are issued in a way to be used as money.

During and after the Revolution, the States issued a great amount of this money, which they failed entirely to redeem, and it became worthless. Consequently those holding this paper currency suffered great losses, business was destroyed, and general bankruptcy ensued.

Bills of credit do not include bank bills, nor written contracts by which a State binds itself to pay money for services actually received, or for money borrowed. United States treasury notes, or "greenbacks," are bills of credit.

3. Legal Tender.—The States are forbidden to make anything but gold and silver coin a tender in payment of debts. This prohibition also is made with the object of securing a sound and uniform currency to the country. Before the adoption of the Constitution, some of the States had declared their worthless paper money legal tender, and creditors being thus compelled to receive it in payment for debts, suffered great losses.

Paper money is always liable to sudden rising and falling of value, while gold and silver are more stable.

IV. OTHER PROHIBITIONS. Passing bills of attainder and *ex post facto* laws and granting titles of nobility, are forbidden the States, for the same reason that the General Government is thus prohibited.

V. THE OBLIGATION OF CONTRACTS. In its usual meaning in the law, a contract is an agreement of two or more persons, upon a sufficient consideration, to do or not to do some particular thing. During the disastrous years of the Confed-

eration, the States repeatedly passed laws which disregarded the rights of individuals under existing contracts. Debtors were authorized to tender any sort of property, though nearly worthless, for debts; and remedies for the recovery of debts were discontinued. So evil were the effects of these laws that the framers of the Constitution determined to do away with such possibilities in the future. No State, therefore can pass any law which will interfere with the binding force of contracts which have been legally made. It is said that this prohibition has caused more controversy and litigation than any other clause of the Constitution.

VI. INSPECTION DUTIES. The States are forbidden to lay import or export duties, unless with the consent of Congress. The aim of the authors of the Constitution was to place the whole subject of regulating commerce within the power of Congress. But one exception is made; the States are free to lay these duties to an amount necessary to execute their inspection laws.

Inspection laws are those made for the inspection or examination of various commodities, such as meat, flour, leather, etc., in order to find out their quality and mark them accordingly. The object of this is to improve the quality of articles produced by the labor of the country, and to better fit them for exportation and for home use, by securing the purchasers against fraud. It is to meet the expense of carrying out such laws that the States are allowed this privilege.

But if unrestricted power were given the States in this matter, there would be great danger of abuses following. Some might attempt to raise revenue or protect their own manufacturing interests, by laying heavy duties on the importations from other States; or sea-board States might tax the production of States trading through their harbors; and all this under cover of executing their inspection laws. To prevent these evils, the following restrictions are placed on their power:

1. Only such duties can be laid as are *absolutely necessary* to execute their inspection laws.

2. The net produce of such duties, that is, all surplus after

paying the expenses of inspection, must be for the use of the United States treasury.

3. All inspection laws must be subject to the revision and control of Congress.

VII. TONNAGE DUTIES are taxes laid on vessels in proportion to their cubical contents expressed in tons. Tonnage is not what a vessel weighs, but the number of tons of freight she can carry. These duties are forbidden the States, unless with the consent of Congress, as they are a means of regulating commerce.

VIII. WAR. The States are forbidden without the consent of Congress, to keep troops and ships of war in time of peace, or to engage in war unless actually invaded, or in such imminent danger as will not admit of delay. This is to prevent any State from keeping an armed force that would endanger the public safety. It does not, of course, refer to the militia, which every State is expected to maintain. As all war powers belong to Congress, they are properly forbidden the States.

IX. AGREEMENTS OR COMPACTS. We have seen that the States are unconditionally forbidden to enter into any treaty, alliance or confederation. We now see that they are forbidden to enter into any agreement or compact with each other or with foreign powers, unless with the consent of Congress. These latter refer to any temporary agreements, and are forbidden for the same reasons as the former.

THIRTY-SIXTH LESSON.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

ARTICLE II.—EXECUTIVE DEPARTMENT.

Section 1.—*Term and Election of President and Vice-President.*

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. *Amendment XII.*

[(1.) The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

(2.) The Person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed. And if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

(3.) But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.]

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

I. THE EXECUTIVE POWER VESTED IN ONE PERSON.

Under the Confederation there was no executive to enforce the laws after they were made. The Constitutional Convention determined to remedy this weakness, by providing a strong executive department. But there was great difference of opinion among them whether this power should be vested in one person, or in a National council. It was agreed by all that laws should be put into execution with the greatest energy and promptness; and it was finally decided that one person could do this to much better advantage than a body of men, who would, of necessity, be subject to rivalry and disagreements, resulting in injurious delays and weak execution. Thus the power was vested in a President, who was to be held personally responsible for its proper exercise.

II. TERM OF OFFICE.

There was also much disagreement and discussion over the length of the term of office of the Chief Executive. Some favored a life term, or during good behavior; others short terms of various lengths. It was thought desirable to make the term sufficiently long for the administration to feel a certain degree of independence of the people, and give it time to put its policy to a practical test; but not so long as to partake of the nature of a monarchy or warrant too much independence on the part of the executive. The term of four years was settled upon as the most likely to secure all these desirable features. This is intermediate between the term of

office of Senator and that of Representative. It commences on the fourth day of March after the election.

A President may serve as many terms as the people will elect him; there is no limit given. Several Presidents have been re-elected; but, as yet, none have been elected, for a third term.

The Vice-President is chosen for the same term as the President.

III. ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Various methods of electing the President were proposed in the Convention, and it was not until near its close that the matter could be positively settled. At one time it was decided that Congress should be given the power to elect, but this would make the Chief Executive dependent upon that body, and tend to destroy his liberty of action; for he would be liable to conform to the Legislators' wishes in his official acts, in order to secure a re-election. Another plan provided for his election directly by the people; but there would then always be the danger, in the excitement attendant upon so important an election, of the people acting without judgment and deliberation, and falling into grave errors. Several other propositions were before the Convention; but it was finally settled that a select body of men, chosen as representatives of the people, would carry out the popular will in a wiser and safer manner than could otherwise be done. Some then thought that the State Legislatures should constitute this body for their respective States, but the majority favored choosing men for this purpose alone.

It will be noticed that the twelfth amendment is substituted in place of the third clause of the section under discussion. This is done because the original clause has become void by reason of this amendment, which was added to the Constitution in 1804. Since, under the Confederation, there had been no executive, the authors of the Constitution had not learned what errors to avoid in providing one, as they had learned through the experiences of the Continental Congress in regard to the legislative department; and the result demonstrated their lack of this practical knowledge.

By the original plan of choosing a President and Vice-

President, each person appointed for that purpose voted for two persons as President; no votes were cast for Vice-President. The person securing the highest number of votes, if such number was a majority of the whole, was President; and the one receiving the next highest number was Vice-President. If no result was reached the election went into the House of Representatives, where, after the President was chosen, the one having the highest number of votes was Vice-President; and if no one person received that number, the election for Vice-President went into the Senate. But in no case could there be a Vice-President selected until after the President was chosen.

The plan worked badly, and in 1801 a very long and exciting contest occurred in the House over the election of President, Thomas Jefferson and Aaron Burr having received the same number of votes, which was a majority of the whole. To avoid another such occurrence, before the next election, the amendment was added which is still in force. This latter method is cumbrous and open to serious objection, and repeated efforts have been made to alter it, but as yet none have succeeded. The method is as follows:

1. Election of the Electors.

1. *Definition.*—The men who are selected by the people to choose their President and Vice-President are called *Electors*; and the whole body of Electors is known as the *Electoral College*.

2. *Number of Electors.*—Each State chooses as many Electors as the whole number of its Representatives and Senators. Thus the representation of each State in the Electoral College is the same as its representation in Congress.

3. *How Chosen.*—The Legislatures of the States are given the privilege of directing how these Electors shall be chosen in their respective States. At first there was no uniformity in the methods employed by them, but now Electors are universally voted for directly by the people.

4. *When Chosen.*—As we have seen, each political party nominates in each State an Electoral ticket from among its own party men. Congress is given the power to determine the

time of choosing Electors, and has, by law, fixed this time as the first Tuesday after the first Monday in November of every fourth year. Consequently, on that day the people of all the States in the Union vote for their Electors.

5. *Prohibition*.—No officer of the United States can be appointed an Elector. This was provided to prevent any officer of the government acquiring undue influence in the election of President and Vice-President.

2. Proceedings of the Electoral College.

1. *Time of Meeting*.—The Constitution gives Congress the power of determining the day on which the Electors shall cast their votes, but provides that such day must be the same throughout the United States. Congress has fixed the time as the second Monday in January following the year in which they are appointed.

2. *Place of Meeting*.—It was not thought advisable to require the electors to travel the long distances necessary to reach the National Capital, for the sole purpose of casting their votes; and so it was settled that the electors should meet in their respective States. The State Legislatures determine where these meetings shall be held, and the State Capital is, in nearly all cases, the choice.

3. *The Voting*.—When the Constitution was framed, it was intended that the Presidential Electors should use their individual judgment in selecting the persons for whom they should vote; but the existence of political parties, and their practice of nominating candidates, has completely done away with all personal decision on the part of the Electors. They are now merely machines which register the will of the people. When Electors are elected, it is known for just what Presidential candidate they will vote; and, although there is no law compelling an Elector to vote for his party nominee, should he do otherwise he would be looked upon as little less than a traitor, so strong has party feeling become. The Electors vote on separate ballots for President and Vice-President, one of whom at least must not be an inhabitant of the same State with themselves. The President and Vice-President are never from the same State.

4. *The Returns*.—The vote is counted, and three lists made of all the persons voted for as President and as Vice-President, with the number of votes each has received. These three lists are certified to and signed by all the Electors, and sealed. One certificate is sent by mail to the President of the Senate, at Washington; another is sent to the same official by a special messenger appointed by the Electors, whose expenses are paid by the government, and who must pay a heavy fine if he fails in the performance of his duty; the third list is deposited with the Judge of the United States district court for that district in which the electors are assembled. This sealed vote is called a *return*; and if, by the fourth Monday in January, neither of the returns sent by mail or by messenger has reached the President of the Senate, a messenger is sent after the copy deposited with the judge.

3. **Counting the Votes**.—On the second Wednesday of the following February, the Senate marches in a body to the Hall of Representatives, the members of the House standing to receive them. When all are seated, the President of the Senate opens the certificates in the presence of both Houses, and hands them to tellers previously appointed by the respective Houses. These tellers count the votes State by State, in alphabetical order, and the presiding officer declares the vote of each State separately, and the vote of all taken together.

The person receiving the majority vote for President of the whole number of Electors appointed is declared duly elected President of the United States; and the person receiving the majority vote for Vice-President of all the Electors appointed is declared elected Vice-President of the United States.

4. **Election by the House**. In case no one receives the required majority for President, which may happen when there are more than two candidates in the field, the election goes into the House of Representatives. This body, closely representing the popular will, was thought more likely to carry out the wishes of the people at large. The House is required to choose a President from among the three persons securing the highest number of votes in the list of those voted for as President. The voting must be done by States, the representation

of each State having but one vote. The vote cannot be taken unless a quorum is present, and a quorum consists of a representation of one or more members from two-thirds of all the States. A majority of the States is necessary for a choice.

In case the House does not make a choice before the fourth day of the following March, when the Congress expires, the person selected for Vice-President must act as President.

In this election by the House the small States have equal advantage with the large States. Thomas Jefferson and John Quincy Adams are the only Presidents who have been elected by the House of Representatives.

5. Election by the Senate.—If no person receives a majority for Vice-President in the Electoral College, the Senate must elect one. This privilege naturally belongs to the Senate, in which body the Vice-President acts as presiding officer.

From the two persons having the highest number of votes on the list, the Vice-President must be chosen. A quorum for this purpose consists of two-thirds of the whole number of Senators, and a majority of the whole number is necessary for a choice. It will be observed that the Senators do not vote by States, as the Representatives do in the election by the House, but each one votes separately.

6. The Electoral Commission.—In 1876 there arose great disputes in Florida, Louisiana, Oregon and South Carolina over their election returns; the Democratic and Republican parties each claiming the election of its candidates. To settle the matter an Electoral Commission was appointed by Congress in January, 1877, consisting of five United States Senators, five members of the House of Representatives, and five associate justices of the United States Supreme Court. This Commission examined the returns, and, by a vote of eight to seven, two days before the inauguration, rendered a decision which made Rutherford B. Hays, the Republican candidate, President.

IV. A MINORITY PRESIDENT. The serious objection to this method of choosing a President and Vice-President through

Electors lies in the fact that it is possible for persons to receive a majority of the Electoral votes and still not be the choice of the people. To illustrate this, suppose the Republican nominee for President receives 5,000 more votes in Ohio than all other candidates; he would then secure the 23 Electoral votes of that State. Then suppose the Democratic nominee receives 12,000 majority in Connecticut; this would secure to him the 6 Electoral votes of that State. The Republican candidate would then have a majority of 17 of the Electoral votes of these two States; while the Democratic candidate would have a 7,000 majority vote of the people. This same condition may exist as well in case of the whole number of States taken together as with the two used in illustration; and, in fact, this has already happened many times. A president who does not receive a majority vote of the people is called a *minority* President.

THIRTY-SEVENTH LESSON.

QUALIFICATIONS, ETC., OF THE PRESIDENT AND VICE-PRESIDENT.

ARTICLE II; Section 1. *Qualifications, Salary, etc., of the President and Vice-President.*

5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation :

“ I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

I. QUALIFICATIONS OF PRESIDENT AND VICE-PRESIDENT. In the Constitution there was nothing said in regard to the qualifications of the Vice-President; nor was it necessary since there was no such thing as a candidate for the Vice-Presidency; both were candidates for the Presidency. But the amendment which provides that a Vice-President be voted for as a separate candidate, also declares that the same qualifications required for eligibility to the Presidency shall be required for eligibility to the Vice-Presidency. As the Vice-President is chosen to fill the office of President in case of

vacancy, he should, of necessity, have the same qualifications as the latter. A person to be eligible to either office must have the following qualifications :

1. Citizenship.—He must be a natural born citizen. No foreign-born person can fill the highest office in our government. This provision was made to guard against foreign influence, and the intrigues of ambitious foreigners for this position of honor and trust. One exception to this rule, however, was made in the Constitution: a citizen of the United States, *at the time of the adoption of the Constitution*, though a naturalized citizen, could hold the office of President. This exception was made because of the many citizens of foreign birth who had risked their lives and spent their fortunes in the protection of their adopted country through the bloody war of the Revolution. To have denied them any privileges which were given the native-born citizen would have been gross injustice. As all such persons have long since died, this provision no longer has any force.

2. Age.—He must be at least thirty-five years old. At this age a man's faculties are supposed to be fully developed, and he has had time in which to acquire the experience in public affairs necessary for so high and responsible a position.

3. Residence.—He must have been fourteen years a resident of the United States. Long residence in a foreign country tends to alienate the affections of a citizen from his native land, to make him favorable toward foreign institutions, and perhaps easily moved by foreign influence. It also serves to make him unfamiliar with the public affairs of his own country, and the people unfamiliar with him. For these reasons a fourteen years' residence in the United States is required.

II. VACANCY. In case of the removal, death, resignation or disability of the President, the Vice-President fills his office for the remainder of the term. And in the case of the inability of both the President and Vice-President to act, Congress is given the power to provide by law for filling the vacant office, by declaring what officer shall then act as President.

In 1881, at President Garfield's death Vice-President Arthur became President. According to the law then in force in

regard to the Presidential succession, the office, after the Vice-President, devolved upon the President of the Senate, and, after him, upon the speaker of the House. Congress was not in session, and the Senate had neglected to elect a President *pro tempore* before adjourning. The House of Representatives was a new body, and having never met, of course had elected no speaker. Therefore, had President Arthur died, or become unable to perform his duties, the country would have been without a President. But Congress soon assembled and the Senate elected its President.

In 1886, Congress passed a new law, providing that, in case of the removal, death, resignation or inability of both the President and Vice-President, the office of President shall devolve upon a member of the Cabinet, in the following order of succession: the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, the Secretary of the Interior. These officers are all discussed hereafter, and it is sufficient now to know merely their titles of office, and their order in the Presidential succession.

III. SALARIES OF THE PRESIDENT AND VICE-PRESIDENT. From the time of Washington's administration until 1873, the annual salary of the President was \$25,000. It was then increased to \$50,000; but this is still small, compared to the sums paid the rulers of other civilized countries.

The President's salary can neither be increased nor diminished at any time during his term of office. If Congress could change his salary at pleasure, fear of a decrease or desire for an increase might influence the Chief Executive in his official acts and lead him to use dishonorable means to secure the favor of Congress. Hence when a change is made in the President's salary, it must take effect at the beginning of a term of office.

The President has also the use of the Executive Mansion, which is taken care of, lighted, heated, and furnished. The grounds and gardens are cultivated and kept in order, the stable service and various other things provided, all of which together amount to nearly doubling his salary.

He is forbidden to receive any emolument, except his salary, from the United States or from any State, in order to place

him beyond the reach of such influence. He may, however, accept gifts from private individuals, like any other citizen.

The Vice-President receives an annual salary of \$8,000.

IV. INAUGURATION OF PRESIDENT AND VICE-PRESIDENT. Every four years, on the fourth day of March, a new President and Vice-President are inaugurated. This is done with much ceremony and display, and thousands of people, from all over the United States, gather at Washington to witness the proceedings. The Vice-President is first inaugurated in the Senate Chamber. Many of the high officials of the government gather in that room, together with the great throng of spectators. Just before noon the new Vice-President takes the oath to support the Constitution and faithfully perform his duties. He then assumes his place as presiding officer of the Senate, and makes a short speech to the Senators. After this the Senate adjourns, and all the officials march in a body to a large platform built out on the east side of the Capitol. There, in the presence of the vast throng who have gathered, the President takes the solemn oath of office prescribed by the Constitution, and administered by the Chief Justice. At its close according to the old custom, he kisses the Bible, after which he delivers his inaugural address. All these proceedings are simply matters of custom; the only necessary part is taking the oath of office.

V. THE WHITE HOUSE. After his inauguration, the President is driven to the Executive Mansion, commonly called the White House from its color, which is to be his home for the next four years. This building is situated about a mile from the Capitol, and was the first public building erected in Washington. Here the President has his business offices, where he performs all his official duties; and here he receives the public, all classes of people who call upon him for business, curiosity or pleasure. Unlike the rulers of foreign countries, who are surrounded by ranks of officials, and guarded from contact with the people, our Chief Magistrate may be seen by anyone. On account of the death of two of our Presidents by assassination, many believe that the President should be protected by a guard.

THIRTY-EIGHTH LESSON.

EXECUTIVE POWERS OF THE PRESIDENT.

ARTICLE II; Section 2.—*The Executive Powers of the President.*

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

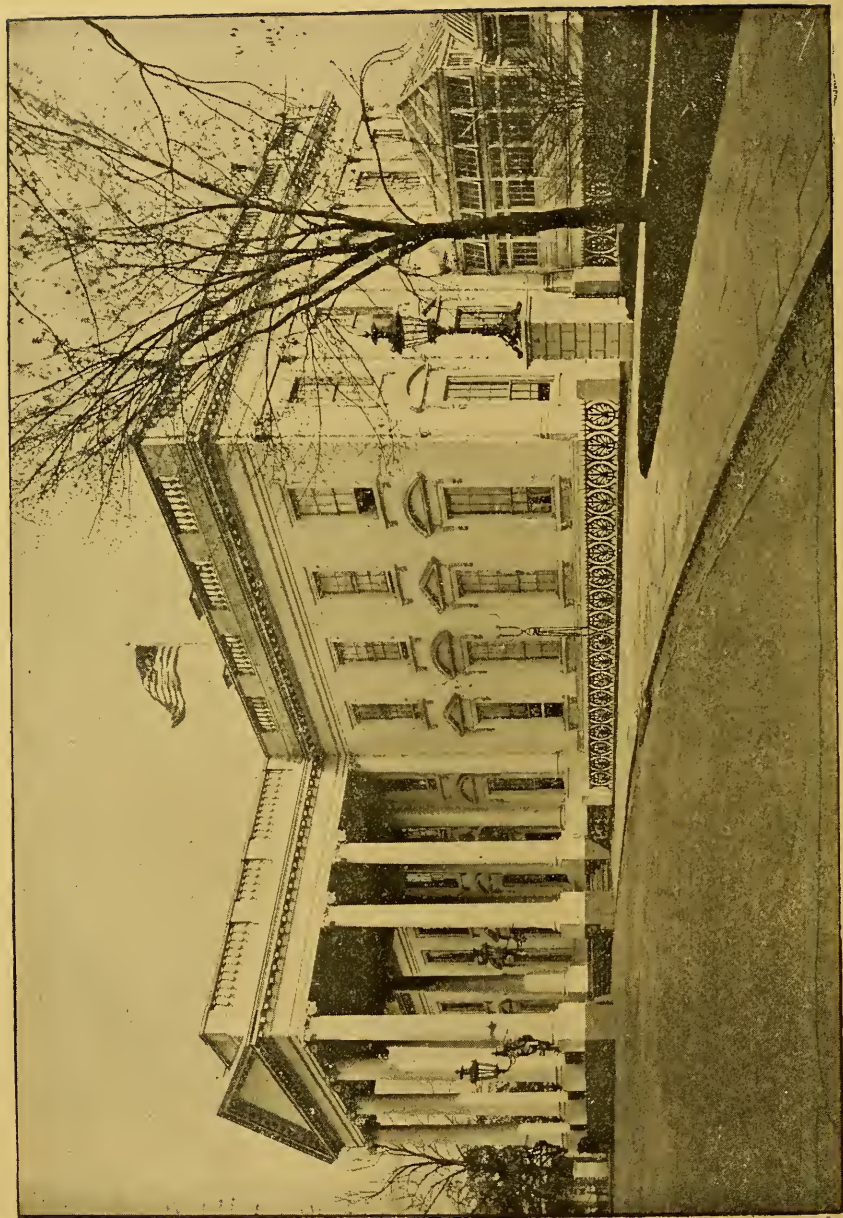
Section 3.—*The Executive Powers of the President, continued.*

1. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both houses or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

Section 4.—*Impeachment.*

1. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

I. COMMANDER-IN-CHIEF. In order that there may be promptness, energy and unity of action in all military move-



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ments, it is necessary that the command of the entire military force of a nation be placed in the hands of a single person. Therefore the President of the United States is made commander-in-chief of the army, the navy, and the State militia when in the service of the United States. Moreover, as it is the duty of the President to execute the laws of the country, to repel invasion, and to quell domestic insurrection, he should have sufficient power placed at his disposal to accomplish these duties.

The President is not expected to take the field in person, although he may do so if he chooses; but the command is given to such officers as he selects, and they act under his supervision.

II. OPINIONS OF EXECUTIVE OFFICERS. We shall see hereafter that the executive business of the Nation is distributed among different departments. The President being held responsible for the entire executive work of the government, should, of necessity, be able to command the means of acquiring information on all subjects connected with his duties. He may therefore require the heads of these different departments to give him their written opinion on any subject relating to the duties of their respective offices.

III. REPRIEVES AND PARDONS. It sometimes happens, after sentence of punishment has been passed upon a person, that new testimony concerning his case is discovered, which indicates that he is guilty in a less degree, or entirely innocent. The punishment to which he was sentenced may then be most unjust, and there should be some power competent to delay the execution of the sentence until examination can be made, and, in case the accused is found innocent, to remit his punishment. There may also be instances in which the condemned person is really guilty of the crime, and, by the laws of the country justly condemned; yet, the facts show him to be the victim of such unfortunate circumstances as to warrant his release according to the laws of humanity and policy. But law is necessarily severe, and must take its course without reference to individual cases. Therefore the privilege is given the

President of exercising mercy by reprieves and pardons in those cases where the law seems to bear too heavily. In monarchical governments this power belongs to the sovereign.

But in cases of impeachment the President is powerless to stop the course of the law. When public officials offend against the laws, or wilfully neglect and abuse their privileges, it was thought that after conviction there should be no power to hinder their removal from office. This privilege of granting reprieves and pardons extends only to cases of conviction by United States courts. With State offenses the President may not interfere.

IV. TREATIES. Treaties may be made upon any subject; peace or war against a common enemy, the return of escaped criminals, the mail, commerce or navigation. The making of treaties is a matter of much importance, and concerns the welfare of the people at large. It is a dangerous power for one person to possess, and therefore is given the President with great restrictions. He must submit all treaties to the Senate, and the consent of two-thirds of the Senators present is necessary to put them into effect.

This provision does not mean that the President must do the work of negotiating the treaties. The agents of the two governments always arrange and agree upon the terms, and a copy of the articles of agreement is sent to each government to approve; both must ratify, or the treaty fails. The correspondence and work of negotiation are usually conducted with the greatest secrecy. The sessions of the Senate for considering such matters are closed to the public. It is thought that publicity in such case, is unsafe, by giving opportunity for interference from other powers.

V. APPOINTMENTS. The President is given the power to nominate certain officers, and, with the advice and consent of the Senate, appoint them. He has, therefore, exclusive power to *select* these officials; but their appointment depends upon the approval of the Senate. If his first choice is rejected by the Senate, he may select another, and so on, until his selection is approved. The Senate always considers appoint-

ments in secret session. The officers whom the President and Senate may appoint are:

1. Ministers and Consuls.—These are the agents who represent our government in foreign countries.

The duties and powers of these agents will be hereafter given in connection with the Department of State.

2. Judges.—Besides Judges of the Supreme Court, those of the Circuit, District, and other Federal courts are appointed by the President and Senate.

3. Other Appointments.—The Constitution further provides that the President and Senate may appoint other United States officers, whose appointments are not provided for in the Constitution, to offices which are established by law. This limits the President's power of appointment to offices that are established by Congress, and therefore prohibits him from creating any offices by the use of this power. Under this provision the President and Senate appoint all the other important government officials; as heads of departments, revenue collectors, certain postmasters, military and naval officers and civil service commissioners. But the President is not always under the control of the Senate in the matter of appointments, for Congress, exercising the power given it, has vested the appointments of very many inferior officers in him alone, and in the heads of departments, who are appointed by him and under his control.

This privilege of selecting the officers who are to aid him directly in his work, gives the President a better opportunity for carrying out his individual views. But a great danger lies in this power; for an unprincipled executive may use it simply to reward political favorites, regardless of the best interests of the people.

VI. REMOVALS. The Civil Service of the United States consists of the whole body of persons employed by the government in its executive work, from the President's cabinet down to the lowest clerk, the army and navy excepted. This includes in the neighborhood of 100,000 persons. Most of the officers, assistants and clerks in this service are appointed for

no particular term, and the Constitution is silent with regard to the power of removal from office where the length of the term is not fixed. It has always been the practice, however, that those appointed by the President or any other officer alone may be removed by the one appointing at any time; and now, in cases where the Senate must concur in the appointment, the President, acting alone, exercises the power of removal.

VII. CIVIL SERVICE COMMISSION. Unhappily a custom has grown into practice of late years by which each political party, when it comes into power, removes great numbers of civil service officers for no other reason than to place its own members in these positions. This corrupt practice is known as the *spoils system*, and is looked upon by thoughtful men as a great evil. Many efforts have been made to bring about a reform in the civil service, that is, to establish the custom of retaining, at least, the inferior officers who are competent and faithful, and of appointing such as are best fitted for office, regardless of their party faith. Of course the President should always be allowed the privilege of selecting his immediate advisers and chief officers; otherwise he might not be able to make a fair test of his political projects.

Although no great results have, as yet, been reached in this matter of civil service reform, yet a decided movement has been made in that direction. A *civil service commission*, consisting of three persons, is appointed by the President with the consent of the Senate, not more than two belonging to any one political party. Their duty is to cause persons to be examined who are seeking a certain class of offices, and to have those selected who pass the best examinations. From these selections the heads of the departments are obliged to make their appointments. The most important offices are not filled by this commission.

VIII. VACANCIES. Vacancies may occur in those places over which the President and the Senate have the power of appointment, when the Senate is not in session. In such instances, in order that these offices may not be left vacant for

any length of time, the President is given power, acting alone, to fill the vacancies temporarily. He grants commissions, which expire at the end of the next session of the Senate.

IX. THE PRESIDENT'S MESSAGE. At the beginning of every session, the President sends a message to Congress, in which, as the Constitution requires, he gives information of the condition of the country, and recommends such measures as he deems advisable for the interests of the Nation.

He may at any time send special messages to Congress, calling their attention to matters which need prompt consideration.

X. CONVENING AND ADJOURNING CONGRESS. The President may call an extra session of either or both houses of Congress, when extraordinary cases arise. He may also adjourn them when they cannot agree with respect to the time of adjournment.

XI. RECEPTION OF FOREIGN MINISTERS. As the President is the official at the head of our Nation, representing it in all its relations with foreign powers, it is highly proper that he should receive the agents from other countries who have come here as representatives of their respective governments.

A foreign minister presents his credentials, or the letters showing his authority, to the Secretary of State, who conducts him to the White House and presents him to the President. Both the President and the Minister then make short speeches expressive of the friendly relations between the two countries. The reception of foreign ministers, although a mere matter of form, is, in reality of great importance, as the nature of the President's reception involves serious questions concerning the relations of the two governments. If the President should refuse to receive a minister, it would be considered a direct insult to the country sending him.

XII. EXECUTION OF THE LAWS. This is the most important duty the President has to perform. More than all else he must see that the laws of the Nation are obeyed.

XIII. COMMISSIONS. A *commission* is a written certificate of appointment issued by the proper authority. The President must commission all the officers of the United States. He signs each commission, and the Secretary of State affixes to it the seal of the United States.

XIV. REMOVAL BY IMPEACHMENT. We have already seen how the President and the Vice-President and other civil officers of the United States are removed from office on impeachment for and conviction of treason, bribery or other high crimes and misdemeanors.

THIRTY-NINTH LESSON.

THE SUBORDINATE EXECUTIVE DEPARTMENTS.

I. THEIR NECESSITY AND NAMES. The enormous executive business of our country could not possibly be attended to in detail by the President alone and unaided. The work is therefore divided among eight subordinate departments: the Department of State, of the Treasury, of War, of Justice, the Post-Office Department, the Department of the Navy, of the Interior, and of Agriculture. But the President is personally responsible for the conduct of the business in all these departments.

II. THE CABINET. The President appoints a chief officer or secretary for the head of each department, and these together form his Cabinet. Nothing is said in the Constitution concerning such a body of advisers. It was arranged that the President might require the written opinions of the heads of departments but no provision was made for forming such officers into a council for advising in matters of state.

Among the delegates to the Philadelphia Convention were some who desired to provide for a Cabinet, which should assist the President in performing his duties, but should have no control over his official actions. But the Convention wished to avoid doing anything that would even appear to lessen the personal responsibility of the Chief Executive, therefore the plan was rejected. However President Washington followed the practice of calling the heads of departments together upon important occasions, to consult and give opinions concerning the matters in question; President John Adams followed his example; and President Jefferson submitted questions to the vote of his Cabinet. Thus the custom became established, and the President calls his Cabinet together at the Executive Mansion whenever he sees fit, for the purpose of advising upon governmental matters. These sessions are secret, and their proceedings are not recorded. The Cabinet has no legal

authority as a body, its action is merely advisory, and the President is not bound by its judgments.

The salary of each Cabinet officer is \$8,000 per annum.

III. DEPARTMENT OF STATE. This department ranks the highest in importance of the eight, and was organized at the beginning of the National Government. It is presided over by the Secretary of State, who is the only officer in the Nation empowered to communicate with other nations in the name of the President of the United States.

The entire business of our government with foreign governments is conducted through this department. Our representation abroad is entrusted to two sets of agents—American Ministers assigned to the Diplomatic Service, and American Consuls assigned to the Consular Service.

1. The Diplomatic Service.—The Ministers sent to foreign countries represent our government in a political capacity, and are of four grades:

1. Ambassadors.
2. Envoys Extraordinary and Ministers Plenipotentiary.
3. Ministers Resident.
4. Chargés d’Affaires.

Diplomatic agents of the first three ranks are accredited to the heads of government of the countries to which they are sent; that is, they are sent directly to those rulers, with credentials which show their diplomatic character and rank. Agents of the fourth rank are accredited to the ministers of foreign affairs of the countries to which they are sent, and can only transact business with them.

Although these ministers differ in title and rank, there is very little difference in their powers and duties. They must all carry out the instructions of the President, communicated through the Secretary of State; keep their own government informed of all matters that concern its interest in foreign countries; protect the persons and property of their fellow countrymen abroad; arrange the terms of treaties and all other negotiations between our country and foreign countries; and attend to the settlement of any difficulties that may arise with other powers.

Ministers of the rank of Ambassador were first appointed and received by the United States in President Cleveland's second administration. They are now sent to Great Britain, France, Germany, Italy and Russia. It follows that the ministers who represent these countries at Washington are of this highest rank; for diplomatic etiquette requires that two powers always shall exchange agents of the same rank. The lower grades of ministers are sent to the less important powers. The highest salary paid in the diplomatic service is \$17,500.

The ministers reside at or near the capitals of the countries to which they are sent, and enjoy many peculiar privileges. They, their families, secretaries and servants, are not subject to the laws of the countries where they are stationed. Their houses, over which the flag of our Nation floats, are considered as belonging to the United States, the same as though situated in this country. Persons can be married there according to our own laws, no matter what the laws of those countries may be; and, in time of war, Americans are safe in the houses of their ministers.

The term *Legation* is applied to the whole body of diplomatic agents of a particular nation, residing at or near the seat of government of a foreign power; as, the French Legation at Washington, or the American Legation at Paris.

2. The Consular Service.—Consuls represent the commercial interests of our country, and have nothing whatever to do with its political affairs. They are more numerous than the diplomatic agents, and deal chiefly with the rights and interests of individuals, instead of governments. They reside at foreign seaports. All foreign countries frequented by American citizens are divided into consular districts, and for each one a consul is appointed.

Their principal duty is to see that the commercial laws of the country are properly enforced, and that our commerce, merchants and seamen are protected. They must keep a record of all American vessels entering port, the number of seamen, the tonnage of the vessel, the value of the cargo, and many other similar items; and they must particularly provide for destitute seamen, at the expense of the United States.

If an American dies abroad and there is no legal representative at hand, the consul of that particular district takes charge of the estate and remits the proceeds to the United States treasury, where it is held for the legal claimants.

Consuls are not entitled to the privileges of diplomatic agents, but are subject to the laws of the country in which they are respectively stationed, the same as all citizens or subjects of that country.

3. Passports.—It is this department which gives and records all passports. These certificates, issued by our government, certify that the person named and described therein is a citizen of our country. They are obtained by Americans who wish to travel through foreign countries. Our government does not require a passport of anyone traveling through this country; but many of the foreign nations are afraid of plots and insurrections, and require travelers to show passports in order to prove who they are, and that they are genuine visitors. A person who has no passport is liable at any time to be imprisoned in those countries.

4. The Archives of the United States.—The Secretary of State has charge of all the archives of the government—the original copies of all laws, treaties, and other official documents. These are kept in the large granite building where the business of the Department of State is conducted.

5. The Seal of the United States.—This same officer is also keeper of the great seal of the United States, which, by direction of the President, he affixes to official papers, as an evidence of their authenticity.

6. Other Duties.—The State Department must publish all laws passed by Congress, and distribute them among the officials, and send copies to all the States. It must proclaim the adoption of amendments to the Constitution, and attend to the publication of the Presidential messages and other official documents requiring publication by law. When new States are admitted to the Union, or new territories organized, the fact must be publicly announced by the State Department; and there are numerous other lesser duties. The head of this

department is assisted by three assistant secretaries and many minor officials and clerks.

IV. DEPARTMENT OF THE TREASURY. This department was organized by Alexander Hamilton, a few months after the establishment of the National Government. Its rank is next to that of the Department of State, and at its head is the Secretary of the Treasury, who must not be personally interested in trade or commerce. The business of this department has, since its creation, steadily increased, until it has assumed vast proportions.

Some of the numerous duties of the Secretary of the Treasury are: to propose plans for securing public revenue and maintaining public credit; to prescribe the form of keeping the public accounts; to make annual reports of the state of the financial condition of the government; to superintend the collection of the revenue, and to issue warrants upon the treasury for all moneys appropriated by Congress. He has two assistant secretaries and a great number of clerks and other employees. There are between three and four thousand of them at Washington alone.

The treasury business is divided among numerous subordinate departments called *bureaus*.

1. Six Bureaus of Auditors have charge of examining and settling all accounts.

2. Two Comptrollers examine the accounts that the Auditors have passed upon, and certify them to the Register.

3. A Commissioner of Internal Revenue oversees the collection of all internal revenue moneys. The United States is divided into eighty-two internal revenue districts, over each of which are placed officers subordinate to this commissioner.

4. A Commissioner of Customs attends to the collection of duties on imported goods.

5. The Treasurer of the United States has the care of all the millions of the people's money, and pays it out according to law. This money is deposited in the strong vaults of the large granite treasury building at Washington. His duties are similar to those of a bank cashier.

6. The Bureau of Engraving and Printing has charge of the making of paper money. The most extreme care is taken in manufacturing this money, to prevent counterfeiting. The paper on which the bills are printed is manufactured according to a secret process, and every sheet must be accounted for to the government. The engraving and printing, and all the work down to the signature of the treasurer, is conducted with the same care; and during the process the bills are counted more than thirty times, to make sure that none have been lost or stolen.

7. The Director of the Mint.—The place where money is coined is called a *mint*. The United States Government has established its principal mint at Philadelphia, and branch mints at San Francisco, New Orleans and Carson City. The *Director of the Mint* has charge of the entire work of coining money. During the process the coins are watched and counted with the same care as the paper money.

8. The Comptroller of the Currency has charge of the National Banking system. In 1863 Congress passed a law creating this system. A company of five or more persons may organize themselves into a corporation and obtain permission from the government to establish a national bank. They are required, first, to buy United States bonds and deposit them with the treasurer of the United States. If their purchase amounts to \$100,000, the government then furnishes to the bank \$90,000, or nine-tenths of the sum, in blank national bank bills, which, when signed by the proper officers of the bank, are put into circulation and loaned like other money. The bank also receives interest on the government bonds it purchased.

These banks are required to create a surplus fund, by setting apart each year ten per cent. of their profits, until the fund is equal to twenty per cent. of the whole capital. This is done in order to make good any losses which may occur. They are also required to keep a reserve fund, of about twenty per cent. of the capital stock, in gold and silver coin, so that those holding bank notes may convert them into gold and silver by presenting them to the bank that issued them.

If a national bank fails, its bills are still good, because its government bonds, held by the United States treasurer, are sufficient to redeem them. All the national banks are based upon the same system, and their notes are a National currency; so that the bills of a Maine bank pass at par in Texas as well as at home.

9. The Register of the Treasury has under his care all the account books of the department. These show the exact financial condition of the country.

10. The Solicitor of the Treasury is a lawyer appointed to transact the legal business of the department. If the government prosecutes for counterfeiting, for breaking the revenue laws, or for any crime committed against the financial interests of the country, this officer conducts the suit.

11. A Bureau of Statistics make yearly reports concerning the trade and commerce of the country, and monthly reports of the moneys taken in and paid out.

12. Other Bureaus.—One of the most important duties of this department is making an annual estimate of the amount of money which will be needed to pay the expenses of the government for the current year. These estimates are sent to Congress at the beginning of a session, in order that that body may make appropriations to meet such expenses.

Besides all these financial duties, strangely enough, the department is given the charge of the light-houses, beacons, buoys, marine hospitals, life-saving service, and whatever relates to the security of navigation. It also has control of the custom-houses and the erection of public buildings.

The life-saving service is one of the most worthy branches of our government work. Its object is to render assistance to vessels and seamen who are in peril. The men employed in this service live in small buildings erected on bleak and dangerous coasts, and are provided with life-saving boats and all other apparatus necessary for the work of rescue. There are between two and three hundred stations located along the Great Lakes and the Atlantic and Pacific coasts. Between the year 1871, when the service was organized, and the year 1888, it saved nearly 40,000 human lives, besides many millions of property.

FORTIETH LESSON.

THE SUBORDINATE EXECUTIVE DEPARTMENTS, Continued.

I. THE DEPARTMENT OF WAR is in charge of the Secretary of War, who represents the President in his capacity of commander-in-chief of the army. He has the general oversight of the whole army, but the work is divided among different bureaus, superintended by army officers:

1. The Adjutant General keeps a list of the soldiers, and attends to matters relating to their enlistment and discharge. He issues the orders of the President, and carries on all correspondence connected with army affairs.

2. The Quartermaster General attends to lodging the soldiers, buying their clothing, horses, and various other supplies.

3. The Commissary General provides food for the soldiers.

4. The Surgeon General has charge of the medical work.

5. The Paymaster General settles the bills.

6. Other Bureaus.—There is also a bureau of artillery; of ordnance or guns; a bureau for building forts and bridges; and a bureau of military justice or courts-martial, for the trial of military offences, in charge of a *judge-advocate-general*.

7. The Signal Service is connected with this department. It was organized to furnish methods of communication in the military service, particularly on the battle field, at distances beyond reach of the human voice. By day a system of signals by flags is employed, and at night torches and rockets. The electric telegraph is also used when possible; and in times of action it is erected, between important stations, at a very rapid rate.

The school at Fort Whipple, Virginia, is for the purpose of training men in this work of the Signal Service.

8. The Military Academy at West Point.—The Army Department has oversight of this Military Academy, where boys are educated to be army officers, at the expense of the government. One cadet is allowed for every member or delegate to the House of Representatives, one for the District of Columbia, and ten from the United States at large. Each member of the House recommends one boy from his district, and the appointment is made by the President, who also has the appointment of the others. But the applicants must not be less than seventeen nor more than twenty-two years of age; they must be sound in mind and body; and must pass the required examinations in the ordinary English branches. The instruction is of a high grade, and the discipline severe. Each cadet binds himself to serve the United States eight years from the time he is admitted to the Academy, a part in the regular course of study, and the remainder in the army. In case a war arises, these men are expected to serve as officers of volunteer regiments.

DEPARTMENT OF JUSTICE. The office of *Attorney-General* was created in 1789; but it was not until 1870 that a Department of Justice was established, with this official at its head. He is the chief law officer of the government, and acts as legal adviser to the President and the heads of departments. His especial duty is to represent personally the United States in all cases it may have in the Supreme Court. He has general oversight of the United States district attorneys and marshals, who are scattered throughout the Union, the former of whom perform the same general work as himself in the courts of less importance.

The Attorney-General is assisted by a *solicitor-general*, two assistant attorneys-general, the law officers of the other departments, and many clerks, copyists, etc.

III. POST-OFFICE DEPARTMENT.

1. Its History.—The carrying of private letters was originally conducted by private enterprise; slaves, pedlers, ship merchants and others were entrusted with the work. When ships landed in the large ports, families sent certain ones on

board to receive their letters, and the mail not thus taken was left at the nearest coffee-house. The first person coming in from each neighborhood would then carry back with him and distribute the letters belonging in his locality.

Finally the government of the Massachusetts Colony ordered that a certain man's house should be the place for receiving all letters from beyond the sea, and that the owner should be allowed a penny for each letter delivered. Afterward Virginia passed a law requiring each planter to convey dispatches as soon as they reached his plantation, or forfeit one hogshead of tobacco. Later on New York established a monthly mail to Boston.

Early in the eighteenth century the English government began to give its attention to the postal system of the colonies; but nothing of any importance was accomplished until Benjamin Franklin was made Postmaster-General, in 1753. For twenty years he conducted the work in a most efficient manner, but was then removed, on account of his action in opposing British tyranny.

Among the first acts of the Continental Congress was the appointment of Franklin for Postmaster-General of the United Colonies; and the government under the Constitution never passed any formal act creating this department, but, from the first, recognized it as already existing.

The Post-Office department is, therefore, the oldest of the eight executive departments; but the Postmaster-General was not admitted to a seat in the Cabinet until at President Jackson's request, in 1829.

Previous to 1845 it cost from six to twenty-five cents, according to distance, to send a letter containing a single sheet; then the rates were reduced to from five to ten cents; but the postage always had to be paid by the receiver at the end of the route. Reductions have since been made, until now we can send a letter anywhere in our country for two cents on each ounce.

2. Officers.—The Postmaster-General has the supervision of the enormous work of this department: establishing post offices; awarding contracts for carrying the mails; directing

the routes; appointing postmasters; making postal treaties; arranging the styles of stamps, government envelopes, postal cards, etc. He is aided by three assistant postmasters-general, an assistant attorney-general, a superintendent of foreign mails, a superintendent of the money order department, and others.

3. Postmasters.—Scattered throughout the United States are great numbers of post-offices, each little community usually having one, which is in charge of an official called a postmaster. Postmasters who receive a salary of \$1,000 or more are appointed by the President, with the consent of the Senate; while all others are appointed by the Postmaster-General. Next to the President, the Postmaster-General has the most extensive power of appointment.

4. Classes of Mail Matter.—All mailable matter is divided, according to our present laws, into four classes:

1. *The first class* consists of written matter, and everything in sealed packages or envelopes.

2. *The second class* embraces periodical publications, as newspapers and magazines.

3. *The third class* includes all miscellaneous printed matter, books, pamphlets, circulars, etc.

4. *The fourth class* consists of merchandise.

5. Cheap Postage.—England first made the experiment of cheap postage; and when it was found that the experiment was successful, our country followed her example. Always as the rates of postage have been diminished here, the receipts of the department have increased.

The present rates of postage are: for the first-class matter, two cents per ounce or fraction of an ounce; for the second class, one cent per pound, or fractional part; for the third-class, one cent for each two ounces or fraction; and for the fourth-class, one cent per ounce or fractional part of an ounce. There are a few exceptions to these general rates.

6. The Universal Postal Union.—In 1874 most of the civilized nations of the world entered into a postal league, which provided that mail should be carried from one country

to another, of those forming the union, at a uniform rate of postage: letters five cents per one-half ounce, and postal cards each two cents. Uniform rates were also fixed for the other classes of mailable matter.

7. Transmission of Money.—Many of the post-offices issue money orders, in order that those wishing to send sums of money up to a certain amount by mail, may do so with safety.

8. Free Delivery.—In every city of fifty thousand or more inhabitants, free delivery of mail matter is required by law; and in every place containing not less than ten thousand inhabitants, free delivery may be established.

IV. DEPARTMENT OF THE NAVY. At first there was but one department for the army and navy; but it was found that two sets of officers were needed to carry on the work, and so, in 1798, the separate Navy Department was created.

The Secretary of the Navy performs the same work for the navy as the Secretary of War for the army. The work of this department is distributed among eight bureaus:

1. The Bureau of Yards and Docks superintends all matters relating to the navy yards. These yards are located at various large seaports, and contain shops for building and repairing war vessels, storehouses for supplies and ammunition, houses for officers who superintend the works, and necessary wharves.

2. A Bureau of Construction and Repairs, which attends to the work of building and repairing vessels.

3. Other Bureaus.—The bureaus of navigation, of ordnance, of steam engineering, of provisions and clothing, of medicine and surgery, and of equipment and recruiting, perform the work indicated by their titles.

4. The Hydrographic Office.—This is an office which issues nautical charts and maps and sailing directions for the use of navigators. It has charge of the great Naval Observatory at Washington, with its immense telescope, for studying the heavens and acquiring such information of the stars as assists sailors in navigating their vessels.

5. The Naval Academy at Annapolis is under the charge of the Secretary of the Navy. This school is for the training of naval officers, and is similar in most respects to the Military Academy at West Point. Boys who enter must be between the ages of fourteen and eighteen. The same number is allowed as at West Point, and appointments are made in the same manner. The course of study covers six years, two of which are spent at sea. The naval cadet, on graduation becomes a midshipman, and is subject to promotion as vacancies occur.

V. DEPARTMENT OF THE INTERIOR. This department was not created until 1849, when it was found that there were so many matters which could not be attended to by the other departments that a new one was necessary. It was originally called the Home Department, because its work is so closely related to the people. A miscellaneous assortment of duties has been collected under this department, and the Secretary of the Interior has an immense amount of business to superintend. He has two assistant secretaries, and the work here is also divided among bureaus.

1. The Bureau of Public Lands has control of all the public lands until they become the property of States or of individuals.

2. The Census Office.—It is through the Interior Department that the United States census is taken every ten years. A *Superintendent of Census* is appointed for each enumeration, who holds his office only until the work of taking the one census is accomplished. Besides merely numbering the population, a great variety of statistics is collected in regard to the occupations, nationality, etc., of the people. A multitude of persons is appointed throughout the country to do the work, which is accomplished, as nearly as possible, in one day, in order to avoid counting the same persons twice.

3. The Pension Office.—Ever since the Revolutionary War, our government has made liberal provision for soldiers and sailors who have become disabled in actual military service, and in cases of death, for their dependent families. This

work, which is a branch of the Interior Department, is placed in the hands of a *Commissioner of Pensions*.

4. **The Patent Office.**—We have already seen how the work of granting patents is done, through the *Commissioner of Patents*. The Interior Department controls this office.

5. **The Bureau of Education** is also contained in this department.

6. **The Bureau of Indian Affairs** has charge of all the Indians of the United States; of their reservations; of feeding, clothing and governing them; of making treaties with them; and of the schools which have been established for their education.

7. **The Bureau of Science, or the Geological Survey**, sends out parties of scientific men, who explore the unknown parts of the country, trace the sources of rivers, measure the heights of mountains, examine the soil and the natural productions, search for traces of the ancient inhabitants; and, in various ways, advance the scientific interests of the country. This bureau has a great National Museum under its charge, at Washington, which contains many objects of interest connected with the history and nature of our country.

8. **Bureau of Public Documents.**—All of the executive departments, and many of the offices under them, publish annual reports of their work. These are printed and bound in books, and distributed, free of expense, to any of our people desiring them. Many of them are very valuable, as they contain information on numerous subjects of interest relating to our country and its government. They are usually obtained by application to members of Congress. This bureau of the Interior Department has charge of these books.

VI. DEPARTMENT OF AGRICULTURE. This was not made into a distinct executive department, represented in the cabinet, until 1889. The Secretary of Agriculture collects useful information concerning agriculture, and causes it to be spread abroad among the people. He collects and distributes new and valuable seeds and plants; employs skilled chemists and natural-

ists to make practical experiments; and, in all possible ways, promotes the interests of agriculture throughout the Union.

The Weather Bureau or Meteorological Bureau belongs to this department. There are nearly five hundred stations in different parts of the country, where careful observations are taken concerning the conditions of the atmosphere, and telegraphed three times each day to the central office at Washington. From these reports the probable character of the weather is foretold for the next twenty-four hours, and the news published in the daily papers and elsewhere, and orders sent to display warning signals at such ports as are threatened with dangerous storms. This service also takes observation of the rise and fall of lakes and rivers, and the tides on the coast, by means of which people are warned of approaching floods.

FORTY-FIRST LESSON.

UNITED STATES COURTS.

ARTICLE III.—JUDICIAL DEPARTMENT.

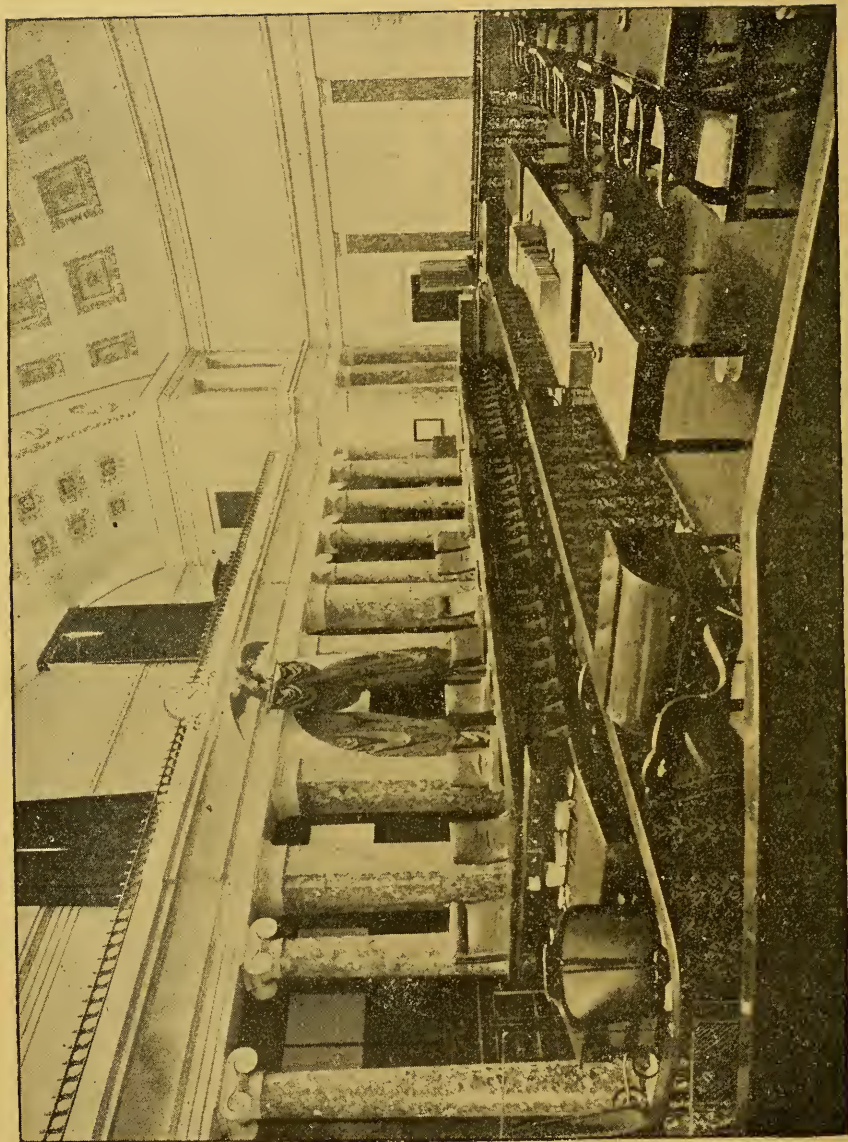
Section 1.—*United States Courts.*

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

I. NECESSITY FOR A NATIONAL JUDICIARY. To allow the courts of the individual States to interpret and enforce the provisions of the Constitution and the laws of Congress would give rise to the same serious misunderstandings which marked the government of the Confederation. Each State would be prejudiced according to its own peculiar interests; and one would decide that a certain law meant one thing, while another would hold that it had an entirely different meaning; and laws that bore heavily on particular sections would not there be sustained. In order that there may be a strong, uniform and peaceable administration of the laws, a National Judiciary to interpret and enforce them impartially for the whole Union is a necessity. That it should be distinct from the legislative and executive departments, in order to secure full liberty to the people, we have already seen.

II. FEDERAL COURTS. The Constitution itself establishes the Supreme Court of the United States, and vests in Congress the power of creating inferior courts according to its judgment. Congress has, therefore, established two regular inferior grades, the Circuit and District Courts, and a number of other courts for special sections or peculiar work.

1. Supreme Court of the United States. This is the highest tribunal in the land, and from its decisions there is no



THE UNITED STATES SUPREME COURT CHAMBER.

appeal. If it decides that a provision of the Constitution has a certain meaning, all the people in the land must abide by that decision. If it declares a law of Congress to be unconstitutional, that law becomes only so much waste paper.

This court consists of one Chief Justice and eight Associate Judges. It holds an annual session, beginning on the second Monday in October. Its daily sessions usually commence at twelve o'clock, and continue four or five hours. The nine Judges, attired in full gowns of black silk, sit in chairs on a raised platform, before a long desk, opposite the entrance door of the Supreme Court Chamber. They are a most learned and dignified body of men, selected for their great legal ability and integrity of character from among the most eminent and experienced lawyers of the country.

All cases are decided by a majority. Whenever five of the Judges agree on a question, that must be the decision of the court.

2. Circuit Courts.—The United States is divided into nine judicial circuits, each circuit comprising several States. The nine Judges of the Supreme Court are each assigned to one of these divisions, and for each circuit there are also appointed two or three Circuit Judges.

The Circuit Court may consist of the Supreme Court Justice alone, of the Circuit Court Judge alone, or of both together, or of either together with a District Court Judge.

Each Circuit Judge has the power to appoint as many commissioners as he deems necessary to assist in the performance of judicial work. The principal duties of these officers are to arrest and hold for trial persons accused of offences against the United States, and to assist both the Circuit and District Courts in taking testimony to be used in the trial of cases. As the matter of a few hours, or even minutes, is of great importance in securing criminals, it is necessary that there should be persons in every section competent to do commissioners' work. Therefore Congress has passed an act which provides that any judge or magistrate of either State or Federal Government may perform the duty of commissioner.

3. Circuit Courts of Appeals.—In 1891 these courts were

created to relieve the Supreme Court of a part of its too numerous duties.

Each Circuit Court of Appeals consists of the Supreme Court Justice assigned to that circuit and two Circuit Court Judges. In the case of the absence of any of these three judges, his place is filled by one of the District Judges of that circuit.

4. District Courts.—The circuits are divided into districts, in each of which a District Court is held. The divisions are made so that each State has at least one of these courts. New York, Texas, Alabama and Indian Territory have three each; many of the other States are divided into two districts, while the remaining ones form each a single district.

A resident Judge is appointed for each of these divisions, and constitutes the District Court. For each, also, a Marshal and District Attorney are appointed by the President. The Marshal is the executive officer of the district, with duties similar to those of a sheriff; he also has charge of taking the United States census in his respective district. The District Attorney is the law officer of the United States for his division, with duties corresponding to those of a county attorney.

5. Court of Claims.—It is an established principle in the law of nations, that a government cannot be sued by a private individual, unless with its own consent. It would be inconsistent with sovereignty. After our government had existed more than half a century, it was found that Congress was constantly petitioned by individuals for debts which they claimed the government owed them. Sometimes it was for services rendered, sometimes for articles furnished for public use, and again for land which the government had taken without paying the full price demanded. These claims were difficult to settle, and very troublesome to Congress. On this account that body created a Court of Claims, where all such cases should be tried. This court consists of a chief-justice and four other judges, and is held in Washington the year round, except for a few months in summer.

The claims considered here are those growing out of the laws of Congress or the regulations of the executive departments, or

any contract with the National Government; also claims which either house of Congress may see fit to refer to it for decision. When a case is decided in favor of a claimant, it is at once referred to Congress, and that body usually makes the necessary appropriations. But there is nothing compelling it to thus respond to the decisions of this court.

6. Other Courts.—Congress has established the following additional courts:

1. *The Court of the District of Columbia*, which tries both civil and criminal cases for that District.

2. *Territorial Courts* in the territories, having about the same powers as the State and Federal Courts have within the States.

3. *Courts-Martial*, consisting of military or naval officers, for the trial of crimes and offenses committed in the army and navy.

4. *Military Courts*, organized in times of war, within those sections actually in a state of war, where ordinary courts cannot perform their regular duties.

5. *Consular Courts*, in which American consuls in service in foreign countries are allowed to try important cases arising between Americans and foreigners in their commercial transactions.

III. FEDERAL JUDGES.

1. Appointment.—We have previously seen that these officers are appointed by the President and the Senate.

2. Term of Office.—Federal Judges hold their office by Constitutional provision, during good behavior; and this, in most cases, means for life. This is the only department of government where offices are held for so long a term. It was intended that these officers should be wholly independent of the people and of any appointing power, so long as they did not abuse their trust, in order to insure just and impartial decisions.

3. Removal from Office.—But they are not beyond the reach of the law themselves. None are in our free government, no matter how high the office they may hold. If these judges

abuse the great trust placed in their hands, by any misconduct in office, they may be removed by impeachment, the same as other officials. But in no other way is it possible to remove a Federal Judge from office. They may, of course, resign if they so desire. Twice it has happened that a Supreme Court Judge became unsound of mind, and not having sufficient judgment left to resign, and there being no way in which he could be honorably discharged, a most unpleasant situation resulted.

4. Salaries.—All judges must receive a compensation for their services, and this must not be diminished during their continuance in office. Thus they are not dependent upon the favor of Congress. The salary may be increased, however. As the term of office is so long, a salary sufficiently large at the time of appointment might, in the course of time, become very inadequate for the necessary expenses of living.

The salary of the Chief-Justice of the United States is \$10,500 per annum; of the Associate Judges, \$10,000; of the Circuit Court Judges, \$6,000; and of the District Court Judges, \$5,000.

It is provided by law that any Federal Judge, after he reaches the age of seventy years, if he has served ten years, may retire from the bench, and for the remainder of his life receive the same salary that was paid to him at the time of his retirement.

FORTY-SECOND LESSON.

JURISDICTION OF THE UNITED STATES COURTS.

ARTICLE III; Section 2.—*Jurisdiction of the United States Courts.*

1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign states, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crime shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Section 3.—*Treason.*

1. Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

I. JURISDICTION OF THE UNITED STATES COURTS IN GENERAL. The United States Courts do not have jurisdiction in all kinds of cases, but only such as are specified in the Constitution. These are:

1. Cases Arising under the Constitution, Laws and Treaties.—The United States Courts are given jurisdiction in all these cases, in order that the interpretation of the National laws may be uniform, and that the National Judiciary may not be dependent upon the States for the interpretation and enforcement of its own laws.

It will be observed that the words of the Constitution are, “all cases in law and equity.” *Courts of Equity* are for the trial of extraordinary cases, for which no plain and complete remedy can be had in the courts of law. Such courts adapt their decisions to the circumstances of the case, and the peculiar rights of the parties interested. This the courts of common law cannot do, since they are bound to give an absolute judgment, either for the plaintiff or defendant. These peculiar cases are the ones to which reference is made.

2. Cases Affecting Ministers and Consuls.—The official agents, sent here from foreign countries, must be protected in their rights and privileges, if we would continue our friendly relations with the governments sending them. As the National Government is held responsible for the treatment of these ministers and consuls, the Federal Courts are given jurisdiction in all cases affecting them.

3. Cases of Admiralty and Maritime Jurisdiction.—These are cases arising on the sea or connected with vessels; as, cases of collision, of captures in time of war, or claims for repairing vessels, or contracts for carrying freight or passengers. Under this head are also included cases originating on the great lakes and navigable rivers.

On the high seas all nations claim equal right and jurisdiction; thus many of our admiralty cases affect foreigners. For this reason admiralty jurisdiction is given the United States Courts. Still another reason is that such matters are connected with the regulation of commerce; and yet another, that the States have no jurisdiction over the ocean.

4. Controversies in which the United States is a Party.—Cases in which the whole people are interested should certainly not be left to the courts of an individual State. Unless the United States Courts had jurisdiction in such cases, the

rights and powers and privileges of the Nation would be at the mercy of the States, and the Union would not long be able to maintain its existence.

5. Cases Affecting Different States or their Citizens.—

This class of cases was placed within the jurisdiction of the Federal Courts, for the purpose of preventing dissensions among the States. They are the cases which affect two States or the citizens of two States; and it could hardly be expected that the courts of any State would always render impartial decisions where its own interests or those of its citizens were thus involved.

The cases mentioned, in which citizens of the same State claim lands under grants of different States, are cases in which States, disagreeing over their boundaries, have granted the same tract of land to different individuals.

Controversies between a State or its citizens, and foreign states, citizens or subjects are settled in the United States Courts for the same reasons that the cases of this section are so decided.

The part of this provision which refers to suits brought against a State by citizens of another State, or foreign citizens or subjects, is now void by the eleventh amendment. We shall see when we reach that subject, that no private citizen or subject can now bring suit against a State.

II. JURISDICTION OF THE INDIVIDUAL COURTS.

1. Of the Supreme Court.—The only cases in which the Supreme Court has original jurisdiction are those affecting foreign ministers and consuls, and those in which a State is a party. These cases were thought to involve such important interests that they should be referred to the highest judicial tribunal.

The chief business of this court is to review the decisions of inferior courts; from which circumstance it derives much of its great dignity and importance. But Congress has complete control of this appellate jurisdiction; and if at any time that part of the work becomes too great, Congress may transfer a portion to the inferior courts; or it may, at any time, extend such jurisdiction.

2. Of the Circuit Courts.—By act of Congress, these courts have original jurisdiction in suits between citizens of different States, and between aliens and citizens, when the amount involved exceeds two thousand dollars. Also in suits under the revenue, patent and copyright laws; and in cases involving the grants of different States. All crimes and offences committed against United States laws, which are punishable by death or heavy penalties, are tried in these courts.

3. Of the Circuit Courts of Appeals.—These courts have, as their name implies, only appellate jurisdiction. They can review, in certain cases, the decisions of the Circuit and District Courts. In some cases, an appeal may be made from these courts to the Supreme Court; in other cases, their decisions are final.

4. Of the District Courts.—The jurisdiction of these courts extends to the lesser crimes and offences, committed in their respective districts, against the laws of the United States. Minor offences on the high seas are also tried in these courts.

III. ARBITRATION. Very often matters of difference are settled by *arbitration*, instead of in the regular courts of law. This is done by referring the disputed matters to disinterested persons, mutually agreed upon by the contending parties. The opinion of the arbitrators is called an *award*; and the parties to the arbitration are bound by this decision. Cases of crime cannot be disposed of in this manner.

In modern times nations often resort to this intelligent and peaceful method of settling differences, instead of appealing to arms and the horrors of war. One of the most famous cases of this kind on our records is the Alabama case. During the Civil War, American vessels and cargoes were seized by vessels built in England, and sometimes sailing under English colors, prominent among them being the Alabama. Our government demanded compensation of the English government for these depredations; but England claimed to know nothing of such vessels, and would not be held responsible for their work. The dispute continued until, in 1871, the two nations agreed to

settle the matter by arbitration. Five commissioners were appointed, one each by England, the United States, Brazil, Switzerland, and Italy. This tribunal assembled in Geneva, Switzerland, and, after a thorough examination of the matters submitted to them, awarded our government fifteen and one half million dollars in gold. Great Britain promptly paid the award.

Claims against our government are often submitted to such commissions for settlement.

IV. THE TRIAL OF CRIMES. All persons charged with crime are given the privilege of a trial by jury, except in cases of impeachment, and then the whole body of Senators act as jury. This clause also provides for trying crimes in the States where they are committed, or, if not committed in a State, at such places as Congress may direct. The sixth amendment enlarges upon this subject, and under that head the matter will be further discussed.

V. TREASON.

1. Definition.—Treason has always been regarded as the highest crime a citizen or subject can commit, because it has for its object the overthrow of the government. Nations protect themselves against this crime by inflicting upon traitors the severest and many times the most barbarous and degrading punishments. There is always a tendency, especially in time of great political excitement, to construe innocent acts as treasonable. Many times wicked kings and judges have so interpreted harmless deeds or words, in order to rid themselves of obnoxious persons. And there are to-day numerous governments which, fearful of merited destruction, constantly see, or claim to see, in the ordinary speech and action of their subjects, proof of treason, and inflict barbarous punishments accordingly.

To guard against the possibility of such wrongs, the Constitution emphatically declares that nothing but making actual war against the United States, or giving aid and comfort to its enemies, shall be called treason.

2. Proof.—It further provides that, unless a person makes confession of treason in open court, he cannot be convicted of the crime, but by the testimony of two witnesses to the same open act. Even in cases of murder, the direct testimony of one competent witness is sufficient to convict; and, where there is no direct testimony to the commission of the crime, strong circumstantial evidence is often deemed sufficient. But the danger of convicting innocent persons of treason was considered so great as to demand these strong safeguards.

3. Punishment.—It was left with Congress to prescribe the punishment for traitors; but one restriction was placed upon its power. No attainder of treason, that is, judgment by a court, should work corruption of blood, or forfeiture, after the death of the traitor. We have already seen how, formerly, in England, the punishment for treason worked forfeiture of property and corruption of blood. Here innocent people are not punished for the crimes of their relatives. Congress has passed a law which provides that no conviction of crime against the United States shall work corruption of blood or any forfeiture of estate.

The punishment for treason has been fixed by Congress at death, or, at the discretion of the court, imprisonment for not less than five years and a fine of not less than ten thousand dollars.

FORTY-THIRD LESSON.

RELATIONS OF THE STATES.

ARTICLE IV.—RELATIONS OF THE STATES.

Section 1.—*Public Records.*

1. Full faith and credit shall be given, in each State, to the public acts, records and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2.—*Privileges of Citizens.*

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

Section 3.—*New States and Territories.*

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

Section 4.—*Guarantee to the States.*

1. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

I. STATE RECORDS. The *public acts*, mentioned in the first clause, have reference to the laws made by the State Legislatures; the *records* mean all matters that are recorded by law, and also include the laws, as well as real estate records, etc.; the *judicial proceedings* are the acts of the courts, judgments, orders, etc., and refer only to civil cases. Full faith and credit must be given these acts, records and proceedings of each State, in every other State in the Union; that is, the other States must give them the same credit which the State itself gives its own records and proceedings. If a person is sued in Iowa, and a decision rendered against him, it may be enforced in whatever State he goes.

If it were not for this clause, each State might provide that, no matter how many times cases had been tried in the courts of other States, it would not enforce their decisions until the suits had been tried again in its own courts. In this way questions which had been once decided would be open to litigation as often as one of the parties removed to another State, and endless confusion and misunderstandings would follow.

Congress has prescribed the manner in which public acts, records and proceedings may be proved, and has declared that, when thus proved, they shall have the same faith and credit given them in every court of the United States as they have in the courts of the State from which they are taken.

II. PRIVILEGES OF CITIZENS. Although the States have supreme power over matters which do not belong to the General Government, yet they cannot have two kinds of laws and two kinds of privileges, one for their own citizens and the other for citizens of other States. The Constitution forbids this. The moment a citizen of one State enters another State, he may buy, hold and sell property there, engage in any trade or profession, and be protected by the laws of the State the same as its own citizens. No power can withhold these rights from him.

It is said that this provision has done more to make the citizens of this country one people than any other in the Constitution.

III. FUGITIVE CRIMINALS. If a person, committing a crime in one State, could cross over the borders into another State, and at once be freed from the power of the law, every State in the Union would soon become an asylum for thieves and murderers, and crimes of every description would increase with every year.

Since the officers of one State have no power to perform official actions in another, it is of the highest importance that criminals fleeing from justice should be delivered up to the State having jurisdiction, by the authorities of the State in which the fugitives are found.

The Constitution declares that this shall be done. The person must first be *charged* with crime, as the law prescribes, before a court of competent jurisdiction. In the meaning of this provision a crime is whatever the laws of the State which makes the demand declare to be a crime. The governor must then send a *requisition* or demand to the governor of the State in which the fugitive is found, for his delivery.

Although the framers of the Constitution made provision for the return of fugitive criminals, they did not make any mention of compelling such action; and the Supreme Court has decided that there is no way in which it can be done. However, the requisition is usually complied with; though there have been numerous cases in which a governor has refused to give up a fugitive criminal, and thereby caused serious contentions between the States concerned.

The gravest troubles caused by such refusals arose during the years of slavery. According to the laws of the slave States, persons who induced slaves to escape from their masters were criminals. The governors of free States many times refused to comply with requisitions for such criminals, because they felt their deeds to be so far removed from crime that compliance could not be conscientiously made.

IV. FUGITIVE SLAVES. Throughout the proceedings of the Constitutional Convention, whenever questions arose that involved the subject of slavery, the opposition of the North to that institution was plainly manifest in the bitterness of the debates which followed. The South, foreseeing the abolition

of slavery in other Northern States than Massachusetts, feared that such States would then become a refuge for escaping slaves; and since, by the common law a slave escaping into a non-slave holding State became free, they would have no security in the possession of their slave property. They, therefore, wanted some provision made by which they could reclaim their fugitive slaves. The Northern States, though greatly opposed to this yet feared that the Southern States would not otherwise accept the Constitution, and consented to such provision. Since the abolition of slavery, that part of the provision relating to slaves has been obsolete; and, although apprentices are also included within its meaning, it has always had little effect with regard to them.

V. GOVERNMENT OF UNITED STATES TERRITORY AND OTHER PROPERTY.

1. Organized Territories.—When a section of territory belonging to the United States becomes sufficiently populated to require a local government for insuring peace and safety to its people, the inhabitants petition Congress to organize them into a territorial government. If thought advisable by Congress, the request is favorably considered, and a bill is passed organizing the territory under some name, which is usually suggested by the people themselves.

The President then appoints a governor, judges, and certain other officials, and the Senate confirms his appointments. The people themselves elect a Legislature.

This government is conducted in very much the same manner as State governments; but the territories in reality, have none of the individual rights which the States possess. Congress has the supreme control of these governments. It can pass any laws, and enforce them within the territories, or annul any laws passed by their Legislatures.

The people of the territories have no share in Presidential elections, and send no Senators or Representatives to Congress. By an act of the National Legislature, however, each territory is allowed one delegate in the House of Representatives, but he has no vote. He looks after the interest of his own territory as he can best do so. He is entitled to speak in the House upon

all questions relating to the interests of the people whom he represents, and is thus able often to influence the legislation affecting his territory.

2. Indian Territory.—All of the territories of the United States are now under organized governments with the exception of Indian Territory. This was set apart as a permanent home for the Indians, both those who are natives of the territory, and those who have been removed thither from other sections. Each tribe owns the portion of country given it by the National Government. They are allowed to make and execute their own laws, and live according to their own customs and manners. Some tribes have become civilized to a considerable extent, having churches, schools, and a form of government resembling that of neighboring States. If they commit crimes against white men, they may be tried and punished in United States courts sitting in the districts of certain adjoining States.

In 1889 a section of about eighty-seven townships, in the heart of this territory, having been purchased by the United States government of the Creek and Seminole nations, was, by proclamation of President Harrison, opened to white settlers. This section is called Oklahoma, meaning the Indian Country. It is probable that still larger sections will be purchased of the Indians and opened to settlement.

The control of this territory is in the hands of Congress.

3. Yellowstone Park.—Until within recent years, the valley of the Yellowstone River was little known to white men, and the Indians, filled with superstitious dread of its boiling springs and spouting geysers, had avoided the region, which seemed to them the dwelling place of evil spirits.

But after the valley had been fully explored by Professor Hayden and his party, the United States government decided to set it apart as a perpetual National Park. In this way the wonders of the place are preserved in a state of nature, and will always be free to the whole people. This park contains over thirty-five hundred square miles, and was taken almost entirely from Wyoming. Congress has complete control of the section.

4. Other Property. Besides having full power over all territory belonging to the United States government, Congress also controls all other National property. Under these heads are included all territory and other property not belonging to any State.

VI. ADMISSION OF NEW STATES.

1. Why the Constitution Provides for Their Admission.—At the close of the Revolutionary War there were large tracts of unoccupied territory, claimed by several States within the vague descriptions of their charters. Those States which had none of this territory insisted that, as all alike had given their blood and property to wrest it from the British crown, it ought to become the property of the United States, and go toward paying the expenses of the war. There was a long controversy over this subject, and Congress finally passed a resolution declaring that these lands, if ceded to the General Government, should be disposed of for the common interests of the people; and should be settled and formed into distinct republican States, to become members of the Federal Union.

New York then took the lead in surrendering her part of this land; and the other States, Virginia, Massachusetts, Connecticut, South Carolina, North Carolina and Georgia, followed her example, at various dates. Thus, in the Constitution, Congress was given the power to admit new States. The Articles of Confederation contained no such provision.

2. The Fears of the States Quieted.—But the large States were afraid, if Congress had unlimited power in the matter, that they might each be divided into several small States; and the small States feared lest two or more of them be united to form large States. Consequently Congress was forbidden to do either, without the consent of the Legislatures of the States concerned.

3. Petition for Admittance.—When a territory becomes sufficiently populated, and desires to have a State government, it petitions Congress to admit it into the Union. A State now to be admitted must contain a population large enough to entitle it to at least one Representative in the House. Sometimes

evil practices exist in a territory which make Congress fearful of giving it the power of a State government, although it has sufficient population. Thus territories may be kept waiting outside a long time before Congress will open the door of the Union to them.

4. Admission.—Ordinarily, in admitting States, Congress passes what is called an *Enabling Act*, which authorizes the people to frame and adopt a constitution, and provides for the admission of the State upon certain conditions. Then the people of the territory, either in Convention, or through their Legislatures, frame their constitution. This is submitted to Congress, and, if it is in full accord with the Constitution of the United States and our republican government, and if all the conditions imposed by Congress have been properly complied with, the National Legislature formally admits the new State into the Union.

Sometimes the people of a territory are allowed to form a constitution and elect officers to administer it, and then submit it to Congress and apply for admission.

Of the thirteen original States, seven were free States and six slave States at the time of the adoption of the Constitution. For more than half a century afterward, slave and free States were admitted in such order as to preserve the balance of power in the Senate.

VII. REPUBLICAN GOVERNMENT GUARANTEED. The United States must see to it that every State has a republican form of government. If one State could establish a monarchy, and another an aristocracy, and another have no government at all, there would soon result such conflicts and confusion as would destroy the Constitution itself.

The National Government is also bound to protect any State against foreign invasion, and against domestic violence, if the State so requests. This is to further provide against the republican government of any State being overthrown, either by a foreign enemy or by its own people.

FORTY-FOURTH LESSON.

MISCELLANEOUS PROVISIONS.

ARTICLE V.—POWER OF AMENDMENT.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.—NATIONAL DEBTS; SUPREMACY OF NATIONAL LAW; OATH; RELIGIOUS TEST.

1. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.—RATIFICATION OF THE CONSTITUTION.

The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.—FREEDOM OF RELIGION. OF SPEECH, AND OF THE PRESS.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances. [Adopted 1791.]

I. AMENDMENT OF CONSTITUTION. No one can proceed thus far in the study of our government, without being deeply impressed with the marvelous intellect and wisdom of the men who made our Constitution. And by the power of this same intellect they comprehended that no human code of laws could ever be perfect, and that no Constitution could be made which would provide for the wants and necessities of a growing nation, before those needs existed. Therefore they provided in this body of laws a method by which it could itself be changed.

But these same men had seen and experienced the troubles which continually arose when another government had made and changed their laws at its pleasure, and also when the laws of a feeble central home government had been defied and overthrown at the will of jealous States; and so they made the alteration of this Constitution so difficult a thing that it could not be done at the fickle desire of a few States, or even a bare majority, but only when the great mass of the people really desired it; for only the people themselves can make these changes.

Only by the following method can the Constitution be amended:

1. How Proposed.—Whenever Congress, by a two-thirds vote of each house, desires that a certain amendment or amendments be proposed, they may then submit their proposition to the States.

Or, if the Legislatures of two-thirds of the States apply to Congress to call a convention for proposing amendments, that body must comply with the request. This latter method has never yet been used. But if at any time Congress should

refuse to propose some desired amendment, the States themselves could take the matter into their own hands by means of this second way provided.

2. How Ratified.—After an amendment has been proposed, it must be submitted to the States for approval. Congress must declare whether this shall be done by the Legislatures or by conventions called in each State for the purpose. If the Legislatures or conventions of three-fourths of the States ratify the amendment, it then becomes a part of the Constitution. Thus far all amendments that have been made have been ratified by the Legislatures.

3. Restrictions.—But there is one provision of the Constitution which can never be amended, and that is the one giving the States equality in the Senate. This provision was made in order to still further secure the smaller States against loss of power in that body.

Another restriction was also added, concerning the slave-trade and direct taxes, which is now without effect.

II. NATIONAL DEBTS. In order to satisfy the creditors of the Colonial Government that the new government would assume all the debts and keep all the engagements of its predecessor, the clause to that effect was inserted.

III. SUPREMACY OF NATIONAL LAW. The next clause declares that the Constitution, laws of Congress, and treaties, shall be *supreme*, no matter what the constitutions or laws of any State may be. It is this provision which gives effect to the whole Constitution. By it, if any State law or constitution conflicts with the law of the Nation, the former is void, and the judges of the State courts must hold it so.

IV. OATH OF OFFICE. A solemn oath or affirmation tends to make a conscientious man more painstaking in the execution of his duties, while it binds the consciences of men of less principle as, perhaps, nothing else will do. This was considered a matter of such importance, that the provision was inserted expressly requiring every officer of the three departments of both State and National Government to be bound by

oath or affirmation to support the Constitution of the United States. They are usually required to swear, also, that they will faithfully perform the duties of their office to the best of their ability.

It is in order that persons who have conscientious scruples against taking an oath, as, for example, the Quakers, may not be excluded from office, that a solemn affirmation is allowed to be made instead of an oath.

V. RELIGIOUS TEST. But no National officer can ever be required to declare himself in favor of, or against, any religious belief, as a qualification for office; every citizen of this country has perfect freedom in his religious faith. States may, if they so desire, require religious tests of their officers, and some have done so; but usually it is forbidden in the State constitutions.

VI. A BILL OF RIGHTS. When the Constitution was submitted to the States for their approval, among the most serious objections raised against it was the omission of a Bill of Rights. By this was meant a formal declaration of those rights of the people which were most important to their liberty. Several of the States for some time refused to ratify, because of this omission, but finally yielded, at the same time expressing a decided desire that these additional provisions be made.

Although these rights were not conferred upon the people, by direct guarantees of the Constitution, yet it was believed by the framers of that instrument, and by many others, that this in no way interfered with the full liberty of the people. Because the National Government could only exercise such powers as were given it by the Constitution, and because all other powers and privileges were reserved to the States, they held that these rights in question belonged to the people, since they were not taken away by the Constitution, just the same as though expressly enumerated therein.

But the experience of the colonists with Great Britain had made them so suspicious of a central government's abuses and usurpations, that their fears, in this instance, could not be quieted; and the first Congress, at its first session, proposed

twelve amendments, ten of which were ratified by the required number of States. These ten are called the American Bill of Rights, and they place limitations on Federal authority only. The States themselves are not bound by these provisions, but their Constitutions, without exception, contain similar guarantees.

VII. RELIGIOUS LIBERTY. Some of the most cruel and bloody persecutions of history have resulted from the resistance of subjects to the attempts of their government to compel their religious worship according to certain prescribed forms. Governments have always been slow to learn that their jurisdiction does not extend over a man's conscience, but only over his relations to his fellow-men. They have repeatedly declared certain churches to be the churches of state, and have insisted upon their subjects worshipping according to the rules and forms of those particular churches, no matter what the beliefs of the people themselves might be. Our forefathers were familiar with the dark history of those countries where church and state had thus been united, and therefore they forbade Congress ever to make any church a state church, or any religion a state religion, or in any way to interfere with the religious institutions and convictions of the people.

This does not mean that a man may offer human sacrifices, or do anything that will interfere with the liberty of others, under cover of religious beliefs. His liberty in such matters extends only to himself.

VIII. FREEDOM OF SPEECH AND THE PRESS. One of the strongest safeguards of a tyrannical and corrupt government lies in its power to control both the spoken and printed words of its subjects. If people who are not satisfied with their government are allowed to speak their criticisms freely, and scatter them widely by publication, the popular discontent is excited and increased until the danger of open rebellion becomes constant. But where the government is by the people themselves, every citizen should have the right to discuss freely all public measures, and to criticise fearlessly the official acts of officers, always provided he does so with good motives. In

our country every citizen possesses the right of speaking or printing whatever he chooses. But it must not be supposed that this gives him the right to *abuse* such freedom, to wrong others in their rights or property or reputation, or to publish what is blasphemous or injurious to public morals.

All of the States have laws which furnish protection against slander and libel. *Slander* consists in maliciously attacking a person's reputation by word of mouth; charging him with an offense punishable by infamous punishment, with unfaithfulness in office, or with want of integrity or capacity in conducting business.

Libel is a published slander; and the publication may be by writing or printing, or by pictures or caricatures. Any publication is a libel which blasphemes God, or brings contempt or ridicule upon the Christian religion; or is immoral or obscene; or imperils the peace of the country by personally abusing a foreign sovereign or his officers; or brings false and malicious charges against the law or government of the country; or blackens the memory of the dead, or injures the reputation of the living.

In the law, libel is considered a greater offense than slander, because the attacks are made with more deliberation, have a wider circulation, and thus are more injurious in their effects. Libel is an indictable offense and therefore punishable criminally; and at the same time the party libeled may bring civil action for damages. Slander is not indictable. It is considered an injury only to the person slandered, and he may bring action for damages.

IX. THE RIGHT OF ASSEMBLY. Congress cannot prevent the people of this country from *peaceably* assembling, whenever and wherever they will; neither has any State ever called this right into question. In many governments the right of assembly, even peaceably, is denied the people, because of the opportunities which it affords for plotting rebellion and war; but those are the governments in which the people have little or no power; here, where they have all power, there is small danger of their plotting against themselves.

The frequent coming together of the people of a free coun-

try, to deliberate upon matters of political importance, instead of endangering the public peace, does much to foster it; for the spirit of patriotism is strengthened by keeping the masses informed on the workings of their free government, and legislation is influenced in the right direction.

When, however, any assemblage becomes riotous, or threatens to result in public disorder, it may be suppressed according to the laws of the States.

X. THE RIGHT OF PETITION. One reason why the king and Parliament would not listen to the petitions of the colonists, was that they thought the people had no right to meddle with the affairs of government in such manner. Naturally, when it was found that the Constitution did not especially acknowledge the right of petition, the people desired to have it done. They wanted the power of the law behind them whenever they thought best to ask for the repeal of oppressive laws, or the enactment of new ones, or to call the attention of the government to any matter of wrong and injustice.

It has been held that this was an unnecessary declaration of the Constitution, because the right of petition would never be denied in a government founded upon such principles as ours. But for many years fierce debates arose in Congress over this right. The presentations of petitions concerning slavery were bitterly opposed by many of the members. This proved the wisdom of our fathers in inserting the provision.

The right of petition is an important one. By it members of the government obtain valuable information of the wants and needs of the people. Thus many a wrong is righted which otherwise might not have come within the knowledge of the government. It is also an admirable method of placing a legislative body under the direct control of public opinion.

FORTY-FIFTH LESSON.

AMENDMENTS TO THE CONSTITUTION,

ARTICLE II.—RIGHT TO KEEP ARMS.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. [Adopted 1791.]

ARTICLE III.—QUARTERING SOLDIERS IN PRIVATE HOUSES.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law. [Adopted 1791.]

ARTICLE IV.—SEARCH WARRANTS.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized. [Adopted 1791.]

ARTICLE V.—CRIMINAL PROCEEDINGS.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war and public danger; nor shall any person be subject for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation. [Adopted 1791.]

ARTICLE VI.—RIGHTS OF ACCUSED PERSONS.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence. [Adopted 1791.]

ARTICLE VII.—JURY TRIAL IN CIVIL CASES.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of common law. [Adopted 1791.]

I. THE RIGHT TO BEAR ARMS. The main principle upon which the government of absolute monarchies is based is that of ruling by fear. This makes the keeping of large standing armies a necessity, and often, too, the disarming of the people. There is always the danger of a standing army in any country usurping the rights of the people, by being made the instrument of ambitious men. Although the Constitution itself provides in various ways against such possibility, the second amendment was thought advisable in order to prevent any danger of an *unarmed* people being overborne by armed forces.

At the present time, if riots and insurrections should arise, our standing army being mostly located in the far West, would not be available, and an unarmed people would then be helpless.

But it is generally held that the secret carrying of arms may be prohibited, as endangering the lives of citizens.

II. QUARTERING SOLDIERS. A favorite method of tyranny, for compelling the submission of subjects unfriendly to the government, is to quarter soldiers upon them, to be fed at their expense. England tried this upon the rebellious colonists. It is a cruel method of oppression, for the soldiers of a standing army are usually from the rude and unprincipled elements of society, and are insolent and overbearing in behavior; while the actual expense of quartering them is, in many cases, a heavy burden.

Our government cannot oppress its subjects in this way, in time of peace; and in time of war, when it is necessary, troops can be quartered in private houses only in such manner as Congress shall prescribe. In these latter instances, probably none would consider it an act of tyranny, but only a just means of protecting the country.

III. SEARCHES AND SEIZURES. In this country the well established principle of English law that every man's house is his castle is thoroughly incorporated into the government. The poorest cottage in the land may close its doors against the governor of the State, or the President of the United States, or the whole armed forces of the Nation, unless legally authorized to enter.

Previous to the American Revolution the officers of the English government could enter any house, by day or night, seize any papers or letters, and take into custody any persons. Many times in the early history of England, blank search warrants were granted to officials, who, by filling them out at pleasure, were authorized to search any house. The famous Writs of Assistance were search warrants, and the people of the United States did not desire further experience of such oppression.

The fourth amendment provides against such tyranny, by stating under what conditions searches and seizures may be made:

1. The complaining party must make oath or affirmation that a crime has been committed, and that there are good reasons to suspect that the persons or things to be seized are concealed in some particular place. Thus a person cannot make false and malicious accusations against others, without laying himself liable to indictment and conviction of perjury.

2. A warrant must be issued by proper judicial authority, authorizing the search and seizure.

3. The warrant must particularly describe the place to be searched and the persons or things to be seized.

This provision protects the liberty and property of the citizen against mere suspicion and malicious accusation; but, of course, it does not prevent a police officer from forcing entrance into a house and making arrests without a warrant, when it is known that a crime is being committed, or in other exceptional cases. But in those instances the arrested person must be taken at once before the proper authorities; and the officer must prove that his action was necessary for the public good.

IV. INDICTMENT BY GRAND JURY. It has already been explained that the purpose of a grand jury is to protect innocent persons against unjust persecutions. The people wanted to make sure of this protection, and the fifth amendment secures it to them.

In time of war an entirely different method of trial and punishment is needed, and in governing the army and navy at all times, than that required for the protection of citizens in times of peace. Therefore these cases were excepted.

V. TWICE IN JEOPARDY. If a person is once tried for a crime, whether found guilty or not guilty by the verdict, he cannot again be tried for the same offence. This means if the accused himself does not apply for a new trial, which he may do in case an error of law has been committed; but this trial is given for his own benefit, and is not putting him in jeopardy a second time.

If the jury disagree, a second trial may be had on the same indictment; but this is only a continuation of the first trial.

This provision is to prevent the government, as a means of persecution, from bringing persons to trial again and again for the same offence, which has often been done in the past by many governments.

VI. ACCUSED PERSONS NOT REQUIRED TO TESTIFY. A person charged with crime is placed in such a serious position that, whether innocent or guilty, in many cases his mind is incapable of giving clear and correct evidence.

In earlier times the most atrocious measures were taken to extort a confession of guilt from accused persons. They were subjected to the rack, burned with hot irons, starved, given no drink, or frightened by the threats of infamous judges. Often innocent persons were by such means driven to confess themselves guilty, in order to end their sufferings.

But by our Constitution and the State constitutions no man can be compelled to testify against himself, and cannot, therefore, even be frightened into false statements.

VII. LIFE, LIBERTY AND PROPERTY. Neither can any one be deprived of life, liberty or property, except by due

process of law. This means that no citizen shall be deprived of any of his rights and privileges, unless, in a trial begun and conducted according to the course of the common law, a verdict shall be rendered against him.

VIII. PRIVATE PROPERTY. The public good is of greater importance than private interests. Although it is the duty of the government to protect the property of the citizen to the utmost, and secure to him its peaceful possession, yet when the public welfare demands the use of such property, it is the undoubted right of the government to appropriate it. Otherwise individuals would be able to thwart the interests of the whole Nation.

But the government is forbidden to take private property without making just compensation. If the owner and the officers purchasing cannot agree on the amount of compensation, then the matter is submitted to impartial judges.

We have already seen how our government exercises this right of *eminent domain*.

IX. A SPEEDY AND PUBLIC TRIAL. Another favorite method used by despotic rulers to persecute obnoxious persons is to delay trial for a great length of time, in order to subdue their will by long imprisonment.

In this country such delays may cause difficulty in obtaining witnesses; and, if the person is unable to procure bail, will also subject him to unjust imprisonment. For these reasons the Constitution promises persons accused of crime a speedy trial.

Secret trials are another means of gratifying the desires of tyrants, by bringing the objects of their dislikes within the reach of cruel punishments. Public trials, because open to the criticism of the community, insure fairness. The sixth amendment secures this privilege to the accused.

X. AN IMPARTIAL JURY. The jury must be selected from the State in which the crime is committed; and, if the State is divided into judicial districts, it must be from that particular district. In order to secure an impartial jury, either party in a suit may object to certain persons serving as jurors, on the ground that they are prejudiced or incompetent to

serve. It is thought that a jury selected from the locality in which the accused person is known is more certain to give a fair and impartial decision.

The right of trial at home among friends, where witnesses may be easily obtained, is also considered an important privilege.

XI. ACCUSATION AND WITNESSES AGAINST THE ACCUSED. It is the practice even now in certain countries to imprison persons for alleged crimes, and bring them to trial, without giving them any information of the charges against them, or of their accusers. The sixth amendment provides that every person charged with crime shall be informed of the charges against him, and be brought face to face with the witnesses for the prosecution.

XII. WITNESSES AND COUNSEL FOR THE ACCUSED. It is the policy of our government to allow an accused person the privilege of making as full and complete a defence for himself as lies in his power. The amendment under discussion provides that, if the accused is not able to procure the attendance of witnesses in his favor, the court must compel them to attend and testify; and, if he is unable to employ counsel, the government must do so at its own expense.

It was long the practice, both in England and France, to deny persons charged with grave offences the privilege of witnesses in their favor; and it was not until 1836, that persons in England were allowed the assistance of counsel, except in a few cases.

XIII. TRIAL BY JURY IN CIVIL CASES. The trial by jury in criminal cases was considered of such importance that it was inserted in the body of the Constitution. But, when the people saw that this jealously-guarded right was not secured to them in civil cases, they insisted that amendment to that effect be made. The seventh amendment provides for its use in United States courts, in all suits where the value in controversy exceeds twenty dollars.

This amendment further declares that a question once decided by a jury cannot again be examined, except by another

jury, on a new trial. By the rules of the common law, when a case was appealed to a higher court, this court had nothing to do with the decision of the jury in matters of *fact*, but had simply to decide whether an error of law had been committed. The clause giving the Supreme Court appellate jurisdiction, both as to law *and fact*, gave rise to fears that this court might have power to overthrow the verdict of a jury. If appellate courts had this power, trial by jury would be a mere form; therefore the amendment was added.

FORTY-SIXTH LESSON.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE VIII.—EXCESSIVE PUNISHMENTS.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. [Adopted 1791.]

ARTICLE IX.—RIGHTS RETAINED BY THE PEOPLE.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. [Adopted 1791.]

ARTICLE X.—POWERS RESERVED TO STATES.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. [Adopted 1791.]

ARTICLE XI.—SUITS AGAINST STATES.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State. [Adopted 1798.]

ARTICLE XII.—(Given on page 176.)

ARTICLE XIII.—ABOLITION OF SLAVERY.

1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation. [Adopted 1865.]

ARTICLE XIV; Section 1.—*Civil Rights.*

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.—*Apportionment of Representatives.*

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3.—*Political Disabilities.*

No person shall be a Senator or Representative in Congress, or Elector of President or Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

Section 4.—*Public Debt.*

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.—*Power of Congress.*

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article. [Adopted 1868.]

ARTICLE XV.—RIGHT OF SUFFRAGE.

1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

2. The Congress shall have power to enforce this article by appropriate legislation. [Adopted 1870.]

I. EXCESSIVE BAIL. The law presumes all men innocent until they are proven guilty. Imprisoning persons before this proof has been made seems to be acting in contradiction of the theory. But this is necessary in order to protect society; and to do away with the injustice that may result, as far as possible, the giving of bail is allowed. But the amount of bail may easily be fixed so high as to make it impossible for the accused to obtain such security. Kings have used this means for committing innocent persons to prison and keeping them there for long periods of time. The United States courts are prevented from doing this by the eighth amendment.

When the crime is one punishable by death or life-long imprisonment, bail is not usually allowed; but in such cases, where the proof of guilt is slight, it is sometimes done.

II. EXCESSIVE FINES AND CRUEL PUNISHMENTS. The history of many nations is blotted with the records of the terrible punishments inflicted on condemned persons. The tyrants of the dark ages and the judges who were their instruments, resorted to every kind of punishment that could be devised; enormous fines were imposed for slight offences, and families reduced to poverty; machines of the most inhuman torture were invented and used; and the measure of the despot's delight seemed to be in proportion to the suffering of his victims.

The people made sure, by the eighth amendment, that there should be nothing of this kind in the United States courts of justice.

III. RIGHTS OF THE PEOPLE. There were some who feared that, because certain rights of the people were enumerated in the Constitution, those not mentioned might be considered as denied the people, or given over to the General Government. To prevent such misconstruction the ninth amendment was added.

IV. POWERS RESERVED TO THE STATES. The constant fear felt by many that the National Government would assume powers which had not been given it, and which rightfully belonged to the States, led the people to demand the additional safeguard of the tenth amendment.

V. SUITS AGAINST STATES. After the adoption of the Constitution, many private individuals brought suits against certain States to enforce the payment of bills of credit, which those States had issued and failed to redeem. The Supreme Court decided that this could be done under the judicial clause, which gives the United States courts jurisdiction in cases between a State and citizens of another State, and in cases between a State and citizens or subjects of a foreign state. The people were greatly dissatisfied that a State government could be controlled by private persons; for which reason the eleventh amendment was added, forbidding the United States courts to entertain suits brought against a State by citizens of another State, or by citizens or subjects of a foreign state.

As no State court can entertain any suit against another State, and as no State government can be sued by its own citizens, it is impossible for any private person to sue a State.

This has proved an unfortunate provision, for several of the States have repudiated their debts, because the private individuals who held their bonds could not compel payment.

VI. CAUSE OF THE CIVIL WAR. The differences in regard to the question of slavery, which had disturbed the deliberations of the Constitutional Convention, as time passed, continued to increase in strength. Congress was repeatedly stirred by bitter controversies over subjects involving this question. As the country grew larger, and the population increased, the subject of African labor became a National problem; whether States should be admitted as slave or free States, and whether slavery should be extended to the territories, absorbed the attention of the Nation.

In 1820 the Missouri Compromise Bill was passed, which provided that, in consideration of the admission of Missouri as a slave State, slavery should forever be prohibited in all the remaining territories north of latitude $36\frac{1}{2}$ degrees, which was the southern boundary of that State.

In 1854 the Kansas-Nebraska bill passed, which organized these two territories, and repealed the prohibition contained in the Missouri Compromise Bill. As soon as the bill took effect, two unfriendly populations began to pour into Kansas, those

from the North being determined to make it a free State, those from the South being equally determined the other way. Congress and the whole people besides were drawn into the bitter controversy which only subsided when Kansas was admitted as a free State in 1861.

In 1860 the Republican party, which was the one opposed to further extension of slavery, succeeded in electing their candidate for President, Abraham Lincoln. Then the troubles which had stirred the country so many years assumed alarming proportions; the Southern States began to withdraw themselves from the Union and attempt the formation of a Southern Confederacy. This brought the country face to face with a problem requiring immediate solution, whether the States were supreme over the Nation, or the Nation over the States; whether we were merely a league of independent governments, from which any State could withdraw at pleasure, or whether we were one Nation. It took four years of war to settle this question; but it was then decisively settled.

Thus, although the question of slavery gave rise to the troubles which precipitated the Civil War, the real question over which this war was fought was that of the supremacy of the National Government.

VII. RESULT OF THE CIVIL WAR. The thirteenth, fourteenth and fifteenth amendments are the result of the Civil War, and finally dispose of all matters relating to slavery in this country. They are alike binding on the States and the Nation.

1. Abolition of Slavery.—At the beginning of the war it was not the purpose of the government to interfere with slavery in those States where it already existed. President Lincoln, in his inaugural address, had declared that he had no such intention, nor believed that he had the right to do so. But it soon became apparent that the Nation could not exist half slave and half free; and, on the first day of January, 1863, President Lincoln issued his Emancipation Proclamation. Whether this legally freed the slaves or not is a matter of no importance, for in 1865 the adoption of the thirteenth amendment accomplished their freedom beyond question.

2. Civil Rights. Although the Negro was no longer a slave, he did not possess the civil rights of citizens of this country. The States might deny him the privilege of buying and selling and holding property, of engaging in trade, and similar privileges; and so the first clause of the fourteenth amendment made him a citizen of the United States, with all the civil rights of others. This gave more than 4,000,000 additional citizens to the United States.

3. Apportionment of Representatives. These new citizens must be represented in the lower house of Congress. But it was feared that some States might not give the Negro the right to vote, and he would thus not be represented directly, while the white population of these States would increase their representation accordingly. For this reason the second clause of this amendment provides that, if any State denies the right of suffrage to any of its members who are male citizens of the United States, twenty-one years of age, its representation in the House shall be decreased in the same proportion.

4. Political Disabilities.—The third clause of this amendment denies the privilege of holding office to all such as, having once taken the oath to support the Constitution, have afterward broken it by aiding in rebellion against the United States. But it also gives Congress the power to remove such disability, and this has been done in all but a few exceptional cases.

5. National Debt.—The fourth clause provides against any attempt to repudiate the National debt; and forbids the payment of debts incurred in rebellion against the United States, or of claims for loss or emancipation of slaves. The heavy debts incurred by the Southern States in the Civil War were thus made void.

6. Right of Suffrage.—Previous to 1870 the States had had full power in regulating the qualifications of their voters. In that year the fifteenth amendment was adopted, which placed the one restriction upon their power. Neither they nor the United States can refuse the right of franchise to any person because he is black, or has been a slave, or belongs to any particular race. By this provision the last step was taken which made the black man the political equal of his white fellow-man.

APPENDIX.

DECLARATION OF INDEPENDENCE.

IN CONGRESS, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government; laying its foundations on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the meantime, exposed to all the dangers of invasions from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for the naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislations:

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States;

For cutting off our trade with all parts of the world;

For imposing taxes on us without our consent;

For depriving us, in many cases, of the benefit of trial by jury;

For transporting us beyond seas to be tried for pretended offences;

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burned our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrection among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

APPENDIX II.

THE ORDINANCE OF 1787.

AN ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE RIVER OHIO.

Be it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates, both of resident and non-resident proprietors in the said district, dying intestate, shall descend to, and be distributed among, their children, and the descendants of a deceased child, in equal parts; the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them: And where there shall be no children or descendants, then in equal parts to the next of kin in equal degree; and, among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parents' share; and there shall, in no case, be a distinction between kindred of the whole and half-blood; saving, in all cases, to the widow of the intestate her third part of the real estate for life, and one-third part of the personal estate; and this law, relative to descents and dower, shall remain in full force until altered by the legislature of the district. And, until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be (being of full age), and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskias, St. Vincents, and the neighboring villages who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein in 1000 acres of land, while in the exercise of his office.

There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years unless sooner revoked; he shall reside in the district, and have a freehold estate therein in 500 acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his Executive department; and transmit authentic copies of such acts and proceedings, every six months, to the Secretary of Congress. There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in 500 acres of land while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time: which laws shall be in force in the district until the organization of the General Assembly therein, unless disapproved of by Congress; but, afterwards, the legislature shall have authority to alter them as they shall think fit.

The governor, for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the General Assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the General Assembly shall be organized, the powers and duties of the magistrates and other civil officers, shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be 5000 free male inhabitants of full age in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships to represent them in the General Assembly: *Provided*, That for every 500 free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to 25; after which, the number and proportion of representatives shall be regulated by the legislature: *Provided*, That no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and, in either case shall likewise hold in his own right, in fee simple, 200 acres of land within the same: *Provided, also*, That a freehold in 50 acres of land in the district, having been a citizen of one of the States, and being a resident in the district, or the like freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years, and, in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of his term.

The General Assembly, or Legislature shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum: and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together; and, when met they shall nominate ten persons, residents in the district, and each possessed of a freehold in 500 acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and, whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws in all cases, for the good government of the district, not repugnant to the principles and

articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill, or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the General Assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity and of office; the governor before the President of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating but not of voting during this temporary government.

And, for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory: to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States and the people and States in said territory and forever remain unalterable, unless by common consent, to wit:

ART. 1st. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ART. 2d. The inhabitants of the said territory shall always be entitled to the benefits of the writ of *habeas corpus*, and of the trial by jury; of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident or the presumption great. All fines shall be moderate, and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers or the law of the land; and, should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same, And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements, *bona fide*, and without fraud, previously formed.

ART. 3d. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools, and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall, from time to time, be made for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. 4th. The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes, for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on lands the property of the United States; and, in no case, shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost, or duty therefor.

ART. 5th. There shall be formed in the said territory, not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The Western State in the said territory, shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post St. Vincent's, due North, to the territorial line between the United States and Canada; and, by the said territorial line, to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincent's, to the Ohio; by the Ohio, by a direct line, drawn due North from the mouth of the Great Miami, to the said

territorial line, and by the said territorial line. The Eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided, however,* and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies North of an East and West line drawn through the Southerly bend or extreme of lake Michigan. And, whenever any of the said States shall have 60,000 free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government: *Provided,* the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000.

ART. 6th. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided, always,* That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby, repealed and declared null and void.

Done by the United States in Congress assembled, the 13th day of July, in the year of our Lord, 1787, and of their sovereignty and independence the twelfth.

“One of the most momentous acts of the Continental Congress,” says Higginson, “had been to receive from the State of Virginia the gift of a vast unsettled territory northwest of the Ohio, and to apply to this wide realm the guarantee of freedom from slavery. This safeguard was but the fulfilment of a condition suggested by Timothy Pickering, when, in 1783, General Rufus Putnam and nearly three hundred army officers had proposed to form a new State in that very region of the Ohio. They sent in a memorial to Congress asking for a grant of land. Washington heartily endorsed the project, but nothing came of it. North Carolina soon after made a cession of land to the United States, and then revoked it; but the people on the ceded territory declared themselves for a time to be a separate state under the name of Franklin. Virginia, through Thomas Jefferson, finally delivered a deed on March 1, 1784, by which she ceded

to the United States all her territory northwest of the Ohio. The great gift was accepted, and a plan of government was adopted and passed by a vote of every state then present in the Congress, eight in all. Under this statute the Ohio company, organized in Boston the year before as the final outcome of Rufus Putnam's proposed colony of officers, bought from the government five or six millions of acres, and entered on the first great movement of emigration west of the Ohio. The report creating the colony provided for public schools, for religious institutions and for a university. The land was to be paid for in United States certificates of debt, and its price in specie was between eight and nine cents an acre. The settlers were almost wholly men who had served in the army, and were used to organization and discipline. The Indian title to the lands of the proposed settlement had been released by treaty. It was hailed by all as a great step in the national existence, although it was a far greater step than any one yet dreamed."

While the convention which framed the National Constitution was sitting in Philadelphia, the Continental Congress was holding its session in New York. On July 11, 1787, it adopted this Ordinance, which has, with justice, been pronounced second only to the crowning act of the Convention at Philadelphia. The original of this act was the Ordinance of 1784 for the government of the Northwest Territory, which remained in force three years and was then superseded by the Ordinance of 1787. The former Ordinance was drawn up by Jefferson as chairman of the committee appointed by Congress to present a plan for the government of the territory. The draught of the committee's report in Jefferson's handwriting is preserved in the archives of the State Department at Washington. "It is," says Bancroft, "as completely Jefferson's own work as the Declaration of Independence."

The most important clause, that which was to have the greatest influence in moulding the future of the infant nation, was the last, that which forever prohibits slavery in this territory. The original draught of the Ordinance of 1784 contained this article:

"That after the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty."

Jefferson worked with the greatest earnestness to secure the passage of this anti-slavery clause, but it was lost by a single vote. "The voice of a single individual," said he, "would have prevented this abominable crime. Heaven will not always be silent; the friends of the rights of human nature will in the end prevail." In the Ordinance of 1787 these words were verified. Slavery was not to pollute these great States of the Northwest.

"Here," says Mr. Hoar, "was the first human government under which absolute civil and religious liberty has always prevailed. Here no

witch was ever hanged or burned. Here no heretic was ever molested. Here no slave was ever born or dwelt. When older states or nations, where the chains of human bondage have been broken, shall utter the proud boast, 'With a great sum obtained I this freedom,' each sister of this imperial group—Ohio, Michigan, Indiana, Illinois, Wisconsin—may lift her queenly head with the yet prouder answer, 'But I was free-born.'"

"It fixed forever," said Webster, "the character of the population in the vast regions northwest of the Ohio by excluding from them involuntary servitude. It impressed on the soil itself, while it was yet a wilderness, an incapacity to sustain any other than freemen. It laid the interdict against personal servitude in original compact, not only deeper than all local law, but deeper, also, than all local constitutions. We are accustomed to praise the lawgivers of antiquity; we help to perpetuate the fame of Solon and Lycurgus; but I doubt whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked and lasting character than the Ordinance of 1787."

"The Ordinance of 1787 belongs with the Declaration of Independence and the Constitution. It is one of the three title deeds of American constitutional liberty. As the American youth for uncounted centuries shall visit the capital of his country—strongest, richest, freest, happiest of the nations of the earth—from the stormy coast of New England, from the luxuriant regions of the Gulf, from the lakes, from the prairie and the plain, from the Golden Gate, from far Alaska—he will admire the evidences of its grandeur and the monuments of its historic glory. He will find there rich libraries and vast museums and great cabinets, which show the product of that matchless inventive genius of America, which has multiplied a thousand fold the wealth and comfort of human life. He will see the simple and modest portal through which the great line of the Republic's chief magistrates have passed at the call of their country to assume an honor surpassing that of emperors and kings, and through which they have returned, in obedience to her laws, to take their place again as equals in the ranks of their fellow-citizens. He will stand by the matchless obelisk which, loftiest of human structures, is itself but the imperfect type of the loftiest of human characters. He will gaze upon the marble splendors of the capitol, in whose chambers are enacted the statutes under which the people of a continent dwell together in peace, and the judgments are rendered which keep the forces of state and nation alike within their appointed bounds. He will look upon the record of great wars and the statues of great commanders. But if he knew his country's history, and considered wisely the sources of her glory, there is nothing in all these which will so stir his heart as two faded and time-soiled papers, whose characters were traced by the hand of the fathers a hundred years ago. They are the original records of the acts which devoted this nation forever to equality, to education, to religion, and to liberty. One is the Declaration of Independence, the other the Ordinance of 1787."

APPENDIX III.

STATE GOVERNMENTS.

STATE GOVERNMENTS.

STATE ELECTIONS.

STATE.	CONSTITUTIONS. When Adopted.	DIVISIONS.		QUALIFICATIONS FOR				
		Counties.	Congressional Districts.	NOTE.—In nearly all the States the right to vote at general elections is restricted to males of 21 or more years. (See exceptions, on page 44.) As to Citizenship.	Previous Residence Required.			
					In State.	In County.	In Town.	In Precinct.
ALABAMA,	1875	66	9	Citizen of United States, or alien who has declared intention.	1 year.	3 mos.	-----	30 days.
ARKANSAS,	1874	75	6	Citizen of United States, or alien who has declared intention.	1 year.	6 mos.	-----	1 month.
CALIFORNIA,	1879	52	7	Citizen by nativity, naturalization or treaty of Queretaro.	1 year.	90 days.	-----	30 days.
COLORADO,	1876.	56	2	Citizen or alien who has declared intention 4 mos. previous to offering to vote.	6 mos.	90 days.	-----	10 days.
CONNECTICUT,	1818	8	4	Citizen of United States, good moral character, and able to read any article of Constitution or Statutes.	1 year.	-----	6 mos.	-----
DELAWARE,	1897	3	1	Citizen and paying registration fee of \$1.00.	1 year.	1 mo.	-----	Actual residence required.
FLORIDA,	1886	45	2	Citizen of United States, or alien who has declared intention.	1 year.	6 mos.	-----	Actual residence required.
GEORGLA,	1877	137	11	Citizen of United States.	1 year.	6 mos.	-----	-----
IDAHO,	1889	21	1	Citizen of United States.	6 mos.	30 days.	-----	-----
ILLINOIS,	1870	102	22	Citizen of United States.	1 year.	90 days.	-----	30 days.
INDIANA,	1851	92	13	Citizen of United States, or alien who has declared intention and resided 1 year in U. S. and 6 mos. in State.	6 mos.	-----	60 days.	30 days.
IOWA,	1857	99	11	Citizen of United States.	6 mos.	60 days.	-----	Actual residence required.
KANSAS,	1859	105	8	Citizen of United States, or alien who has declared intention.	6 mos.	-----	-----	30 days.

STATE GOVERNMENTS.

STATE ELECTIONS.

VOTING.	ELECTIONS.				STATE CENSUS.
Persons Denied the Right of Suffrage.	Registration.	Time of.	How Decided.	How Made.	
Convicted of treason or other crime punishable by imprisonment; idiots and lunatics.	Required.	First Monday in August.	By majority.	By ballot.	Not required unless there is a failure by Federal govern'm't.
Idiots, insane, convicted of felony, until pardoned; persons not having paid a poll tax for same year.	Prohibited by constitutional provision.	First Tuesday after first Monday in November.	By plurality.	By ballot.	Not required.
Chinese; idiots; insane; convicted of infamous crime.	Required.	Tuesday after first Monday in November.	By plurality.	By ballot.	Only school census taken, and that every year.
Convicted of felony and unrestored to citizenship.	Required.	Tuesday after first Monday in November.	By majority.	By ballot.	Every ten years.
Convicted of bribery, forgery, theft, duelling or other offense for which infamous punishment is inflicted.	Required.	Tuesday after first Monday in November.	State officers by majority.	By ballot.	No State provision regarding a State census.
Idiots; insane; paupers; and felons.	Required.	Tuesday after first Monday in November.	By plurality.	By ballot.	Not required.
Insane; under guardianship; criminals; sending, bringing, or accepting duelling challenge.	Required.	Tuesday after first Monday in November.	By plurality.	By ballot.	Every ten years.
Idiots; insane; convicted of treason against State or crime punishable by imprisonment; nonpayers of taxes since 1877.	Required.	First Wednesday in October.	By majority.	By ballot.	Not required.
Idiots; insane; under guardianship; bribers at election; those convicted of crime not restored to citizenship.	Required.	Tuesday after first Monday in November.	By plurality.	By ballot.	Latest U. S. census.
Convicted of crime punishable in penitentiary until pardoned and restored to rights; bribery at elections.	Required.*	Tuesday after first Monday in November.	By plurality.	By ballot.	Not required.
Convicted of crime and disfranchised by judgment of the Court.	Not required.	Tuesday after first Monday in November.	By plurality.	By ballot.	Not required.
Idiots; insane; convicted of infamous crime; United States soldiers and marines, not <i>bona fide</i> residents.	Required in all cities.	Tuesday after first Monday in November.	By plurality.	By ballot.	Every ten years.
Idiots; insane; convicts; rebels.	Required in all cities of the first and second class.	Tuesday after first Monday in November.	By plurality.	By ballot.	Annually.

* But, excepting a few cities, a legal voter not registered may vote, upon filing an affidavit by himself and another known legal voter that he is a qualified voter and has not already voted.

STATE.	CONSTITUTIONS.	DIVISIONS.		QUALIFICATIONS FOR				
				NOTE.—In nearly all the States the right to vote at general elections is restricted to males of 21 or more years. (See exceptions, page 44.)				
		Counties.	Congressional Districts.	As to Citizenship.	Previous Residence Required.			
	When Adopted.				In State.	In County.	In Town.	In Precinct.
KENTUCKY,	1850	117	11	Citizen.	1 year.	6 mos.	-----	60 days.
LOUISIANA,	1879	59 Parishes.	6	Citizen of United States, or alien who has declared intention.	1 year.	6 mos.	-----	30 days.
MAINE,	1820	16	4	Citizen of United States.	3 mos.	3 mos.	3 mos.	-----
MARYLAND,	1867	23	6	Citizen of United States.	1 year.	6 mos.	-----	1 day.
MASSACHUSETTS,	1780	14	13	Citizen.	1 year.	-----	6 mos.	-----
MICHIGAN,	1850	83	12	Citizen. Civilized Indian not member of a tribe.	6 mos.	20 days.	-----	20 days.
MINNESOTA,	1857	82	7	Citizen of United States, and civilized Indians.	6 mos.	30 days.	30 days.	30 days.
MISSISSIPPI,	1890	75	7	Citizen of United States.	2 years.	1 year.	1 year.	1 year.
MISSOURI,	1875	114	14	Citizen of United States, or alien who has declared intention not less than 1 yr. nor more than 5 before offering to vote.	1 year.	60 days.	60 days.	-----
MONTANA,	1889	24	1	Citizen of United States.	1 year.	30 days.	30 days.	30 days.
NEBRASKA,	1875	90	6	Citizen of United States, or alien who has declared intention 30 days before election.	6 mos.	40 days.	-----	10 days.
NEVADA,	1864	14	1	Citizen of United States.	6 mos.	30 days.	-----	-----
NEW HAMPSHIRE,	1784	10	2	Inhabitant, native or naturalized.	6 mos.	-----	6 mos.	-----
NEW JERSEY,	1844	8	8	Citizen of United States.	1 year.	5 mos.	-----	-----
NEW YORK,	1894	60	34	Citizen, who shall have been a citizen for 10 days.	1 year.	4 mos.	-----	30 days.

VOTING.	ELECTIONS.				STATE CENSUS.
Persons Denied the Right of Suffrage.	Registration.	Time of.	How Decided.	How Made.	
Convicted of treason, felony, bribery; idiots; insane.	Not required.	First Monday in August.	By majority.	<i>Viva Voce.</i>	Not required.
Idiots; insane; convicted of treason, embezzlement of public funds, illegal voting, bribery or like crime, punishable by hard labor or imprisonment.	Required.	Tuesday after first Monday in April.	By plurality.	By ballot.	Every ten years.
Paupers; persons under guardianship; Indians not taxed.	Required.	Second Monday in September.	By plurality.	By ballot.	No provision for.
Persons over 21 yrs. convicted of larceny or other infamous crime unless pardoned; persons under guardianship as lunatics or idiots.	Required.	Tuesday after first Monday in November.	By majority.	By ballot.	Has never been taken.
Paupers (except honorably discharged United States soldiers and sailors); persons under guardianship, persons unable to read and write.	Required.	Tuesday after first Monday in November.	By plurality.	By ballot.	Every tenth year.
Aliens; Indians; duellists and accessories.	Not required, except by special charter.	Tuesday after first Monday in November.	By plurality.	By ballot.	Every ten years. 94, 1004, etc.
Convicted of treason or felony, unless pardoned; persons under guardianship or insane.	Required in cities of 1,200 or more inhab's.	Tuesday after first Monday in November.	By plurality.	By ballot.	Every ten years.
Idiots; insane; Indians not taxed; convicted of felony.	Required.	Tuesday after first Monday in November.	By majority.	By ballot.	Every ten years.
U. S. soldiers and marines; paupers; persons in asylums at public expense; criminals convicted once until pardoned; felons and violators of suffrage laws, convicted a second time.	Required in cities of 100,000 inhabitants and over.	Tuesday after first Monday in November.	By plurality.	By ballot.	Only U. S. census taken.
Persons convicted of felony, unless pardoned.	Required.	Tuesday after first Monday in November, 1892, and every 4 years after.	By plurality.	By ballot.	In 1895 and every tenth year thereafter.
Idiots; insane; convicted of treason or felony; unless pardoned.	Required in all cities.	Tuesday after first Monday in November.	By plurality.	By ballot.	Not required.
Idiots; insane; convicted of treason or felony; unarmisted confederates who bore arms against the United States.	Required.	Tuesday after first Monday in November.	By majority.	By ballot.	In 1875 and every ten years thereafter if deemed necessary by the Legislature.
Paupers (except honorably discharged U. S. soldiers and sailors); persons excused from paying taxes at their own request.	Required.	Tuesday after first Monday in November.	By majority. (Representatives by plurality).	By ballot.	None required.
Idiots; insane; persons convicted of crime (unless pardoned) which exclude them from being witnesses, which crimes include blasphemy, treason, murder, arson, etc.	Required.	Tuesday after first Monday in November.	By plurality.	By ballot.	Every ten years.
Convicted of bribery or any infamous crime, unless pardoned; betters on result of any election at which they offer to vote; bribers for votes and the bribed.	In cities and incorporated villages of over 7,000 inhabitants.	Tuesday after first Monday in November.	By plurality.	By ballot.	Every ten years.

STATE.	CONSTITUTIONS. When Adopted.	DIVISIONS.		QUALIFICATIONS FOR NOTE.—In nearly all the States the right to vote at general elections is restricted to males of 21 or more years. (See exceptions, on page 44.)				
		Counties.	Congressional Districts.	As to Citizenship.	Previous Residence Required.			
					In State.	In County.	In Town.	In Precinct.
NORTH CAROLINA,	1875	96	9	Citizen of United States.	1 year.	90 days.	-----	-----
NORTH DAKOTA,	1889	56	1	Citizen of U.S., alien who declared intention, and civilized Indian who severed tribal relations 2 yrs. preceding elect'n.	1 year.	6 mos.	-----	90 days.
OHIO,	1851	88	21	Citizen of United States.	1 year.	30 days.	-----	20 days.
OREGON.	1857	32	2	Citizen of U. S. or alien who declared intention 1 yr. preceding elect'n.	6 mos.	30 days.	30 days.	-----
PENNSYLVANIA,	1873	67	28	Citizen of U. S. 1 mo., and if 22 yrs. old or more must have paid tax within two years.	1 year.	-----	-----	2 months.
RHODE ISLAND,	1842	5	2	Citizen of United States.	2 years.	-----	6 mos.	-----
SOUTH CAROLINA,	1895	41	7	Citizen of U. S. who can read and write, or pay taxes on \$300 or more.	2 years Ministers & teachers 6 mos.	1 year.	-----	-----
SOUTH DAKOTA,	1889	56	2 Congressmen at large.	Citizen of United States, or alien who has declared intention.	1 year.	6 mos.	-----	30 days.
TENNESSEE,	1870	96	10	Citizen of United States.	1 year.	6 mos.	-----	Actual residence.
TEXAS,	1876	243	13	Citizen of United States, or alien who has declared intention.	1 year.	6 mos.	-----	Actual residence.
UTAH,	1895	27	1	Citizen.	1 year.	4 mos.	-----	60 days.
VERMONT,	1793	14	2	Citizen of United States.	1 year.	-----	-----	-----
VIRGINIA,	1869	100 Counties 13 Cities.	10	Citizen of United States.	1 year.	3 mos.	3 mos.	Actual residence 30 days.
WASHINGTON,	1889	34	1	Citizen of United States.	1 year.	90 days.	-----	30 days.
WEST VIRGINIA,	1872	55	4	Citizen of the State.	1 year.	60 days.	-----	Actual residence.
WISCONSIN,	1848	70	10	Citizen of United States, or alien who has declared intention.	1 year.	-----	-----	Actual residence.
WYOMING,	1890		1	Citizens who can read.	1 year.	60 days.	-----	-----
ALASKA,	0	0	1 delegate.	No election, except for deleg. to Nat'l Conv'tn.				
ARIZONA,	0	12	0					
DIST. OF COLUMBIA,	1878	2	1 deleg.	None.				
NEW MEXICO,	0	18	0	Citizen of United States, age 21 years.	6 mos.	3 mos.	-----	30 days.
OKLAHOMA,	1890	23	0	Able to read ballot.	6 mos.	30 days.	-----	10 days.
			1 deleg.					

VOTING.	ELECTIONS.				STATE CENSUS.
Persons Denied the Right of Suffrage.	Registration.	Time of.	How Decided.	How Made.	
Convicted of felony or other infamous crime.	Required.	Tuesday after first Monday in November.	By plurality.	By ballot.	Not required.
United States soldiers and sailors, and persons <i>non compos mentis</i> .	Not required.	Tuesday after first Monday in November.	By majority.	By ballot.	Every tenth year, beginning with 1895.
Felony, until pardoned and restored to citizenship; idiots; insane.	Required only in Cincinnati and Cleveland.	Tuesday after first Monday in November.	By plurality.	By ballot.	No law concerning.
Idiots; insane; convicted of felony; U. S. soldiers and sailors; Chinese.	Not required.	First Monday in June.	By plurality.	By ballot.	Every ten years.
Convicted of some offence whereby right of suffrage is forfeited; non-taxpayers.	Required.	Tuesday after first Monday in November.	By plurality.	By ballot.	None required.
Paupers; lunatics; persons <i>non compos mentis</i> ; convicted of bribery or infamous crime until restored to right to vote; under guardianship.	Required.	First Wednesday in April.	By plurality.	By ballot.	Every ten years.
Convicted of treason, murder or other infamous crime, or duelling; paupers and insane.	Required.	Tuesday after first Monday in November.	By plurality.	By ballot.	Every ten years.
Persons under guardianship; idiots; insane; convicted of treason or felony, unless pardoned.	Required only in cities of 5,000 inhabitants.	Tuesday after first Monday in November of all even numbered yrs.	By plurality.	By ballot.	Every ten years.
Persons convicted of bribery or other infamous crime.	Not required.	Tuesday after first Monday in November.	By plurality.	By ballot.	As often as Legislature orders.
Idiots; lunatics; paupers supported by county; convicted of felony; U. S. soldiers and seamen in service.	Prohibited by constitutional provision.	Tuesday after first Monday in November.	By plurality.	By ballot.	Not required.
Those convicted of offense against elective franchise.	Required.	Same as Presidential.	By majority.	By ballot.	
Unpardoned convicts and deserters from U. S. military or naval service during civ. war.	Required.	First Tuesday in September.	By majority.	By ballot.	Not made under State laws.
Idiots; lunatics; convicted of bribery at elect'n; embezzlement of pub. funds; treason; felony and petit larceny; duellists and abettors, unless pardoned by legislature.	Required.	Tuesday after first Monday in November.	By plurality.	By ballot.	None taken.
Indians not taxed; idiots; insane; convicted of infamous crimes, unless pardoned.	Required.	Tuesday after first Monday in November.	By plurality.	By ballot.	Every ten years after 1895.
Paupers; persons of unsound mind; convicted of treason, felony, or bribery at elect'ns. Insane; under guardianship; convicted of treason or felony, unless pardoned.	Prohibited by constitutional provision. In cities required.	Tuesday after first Monday in November. Tuesday after first Monday in November.	By plurality. By plurality.	By ballot. By ballot.	Every ten years. Every ten years.
Idiots; insane; felons; those unable to read the State constitution.	Required.	Tuesday after first Monday in November.	By plurality.	By ballot.	
Convicts; lunatics; military; Indians; women.	Required.	Tuesday after first Monday in November.	By plurality.	By ballot.	Biennially by assessors.
Convicts.	Required in cities.				

THE STATE LEGISLATURE.

STATE.	NAME.	THE STATE SENATE.				
		No. of Senators.	Term of Office.	Qualifications of Senators.	Salary.	Quorum.
ALABAMA,	General Assembly.	33	4 yrs.	Age, 27 years. A citizen and inhabitant of State 3 yrs., and inhabitant of County or District 1 year next preceding election.	\$4 per day and mileage.	Majority of all elected.
ARKANSAS,	General Assembly.	32	4 yrs.	Age 25 yrs. Male citizen of United States. Resident of State 1 yr. A qualified elector and actual resident of District at time of election.	\$6 per day.	Majority of all elected.
CALIFORNIA,	State Legislature.	40	4 yrs.	Must be an elector of the State.	\$8 per day.	Majority of all elected.
COLORADO,	General Assembly.	35	4 yrs.	Age 25 yrs. Citizen of United States, and resident of County or District 12 mos. next preceding election.	\$7 per day.	Majority.
CONNECTICUT,	General Assembly.	24	2 yrs.	A qualified elector of District.	\$300 and mileage.	Majority.
DELAWARE,	General Assembly.	17	4 yrs.	Age 27 yrs. Other qualifications same as Representatives.	\$5 per day.	Majority of all members elected.
FLORIDA,	Legislature.	32	4 yrs.	Qualified elector.	\$6 per day and 10 cts. mileage each way.	Majority.
GEORGIA,	General Assembly.	44	2 yrs.	Age, 25 yrs. Citizen of United States. Citizen of State 4 yrs. 1 yr. a resident of District.	\$4 per day and mileage.	Majority.
IDAHO,	-----	21	2 yrs.	Citizen of United States and State. Elector of County or District whence he is chosen.	\$5 per day for 60 days.	Majority.
ILLINOIS,	General Assembly.	51	4 yrs.	Age 25 yrs. Citizen of United States. Five years a resident of State, and 2 yrs. next preceding election resident of District.	\$1000.	Majority.
INDIANA,	General Assembly.	50	4 yrs.	Age, 25 yrs. Citizen of United States. An inhabitant of State 2 yrs., and of County or District 1 yr. next preceding election.	\$6 per day and mileage.	Two-thirds of house.
IOWA,	General Assembly.	50	4 yrs.	Age, 25 yrs. Male citizen of United States. Inhabitant of State 1 yr. next preceding his election, and at time of election have had an actual residence of 60 days in County or District.	\$550 per session.	Majority.

THE STATE LEGISLATURE.

THE LOWER HOUSE.					MEETING.	LENGTH OF SESSION.	ORIGIN OF BILLS.	
Name.	No. of Members.	Term of Office.	Qualifications of Members.	Salary.				Quor- um.
House of Repre- sentatives.	100	2 yrs.	Age 21 yrs. Other quali- fications same as those of Senators.	Same as Senator.	Ma- jority.	Biennial; Tues- day after second Monday of November.	Not to exceed 50 days.	In either house, ex- cept bills for reven- ue, which must orig- inate in Ho. of Rp.
House of Repre- sentatives.	100	2 yrs.	Age 21 yrs. Other quali- fications same as those of Senators.	Same as Senator.	Ma- jority.	Biennial; first Monday in Janu- ary.	Sixty days.	Same as in Alabama.
The As- sembly.	80	2 yrs.	Must be an elector of the State.	Same as Senator.	-----	Biennial; first Monday after January 1st.	Sixty days. If in session long- er, legislators serve without pay.	Any bill may originate in either house.
House of Repre- sentatives.	65	2 yrs.	Same as for Senator.	Same as Senator.	Ma- jority.	Biennial; Wed- nesday after first Monday in January.	Must not exceed 90 days.	Same as in Alabama.
House of Repre- sentatives.	252	2 yrs.	Qualified electors and resi- dents of town for which elected.	Same as Senator.	Ma- jority.	Biennial; Wed- nesday after first Monday of January.	Not limited.	In either house, ex- cept consti- tutional amendment which origi- nates in Lower Ho.
House of Repre- sentatives.	35	2 yrs.	Age 24 yrs. Citizen and in- habitant of State 3 years. next preceding first meet- ing of legislature after election, last year of which must be resident of District	Same as Senator.	Ma- jority of all elected	Biennial; first Tuesday in Janu- ary.	Paid for 60 days.	Same as in Alabama.
House of Repre- sentatives.	68	2 yrs.	Qualified elector.	Same as Senator.	Ma- jority.	Biennial; first Tuesday after first Monday in April.	Regular session may extend 60 days; special session must not exceed 20.	In either house.
House of Repre- sentatives.	175	2 yrs.	Age 21 yrs. Citizen of United States. Citizen of State 2 yrs. Resident of County 1 year.	Same as Senator.	Ma- jority.	Biennial; first Wednesday in November.	Not longer than 50 days.	Same as in Alabama.
House of Repre- sentatives.	49	2 yrs.	Same as for Senator.	Same as Senator.	Ma- jority.	Biennial; first Monday in Janu- ary.	Paid for 60 days.	-----
House of Repre- sentatives.	153	2 yrs.	Age 21 yrs. Other quali- fications same as Senator.	Same as Senator.	Ma- jority.	Biennial; Wed- nesday after first Monday in January.	Not limited.	In either house.
House of Repre- sentatives.	100	2 yrs.	Age 21 yrs. Other quali- fications same as Senator.	Same as Senator.	Two- thirds of house.	Biennial; Thurs- day after first Monday of Janu- ary.	Regular session must not ex- ceed 61 days, nor special 40.	Same as in Alabama.
House of Repre- sentatives.	100	2 yrs.	Age 21 yrs. Other quali- fications same as Senator.	\$550 per session.	Ma- jority.	Biennial; second Monday in Janu- ary.	Not limited.	In either house.

STATE.	NAME.	THE STATE SENATE.				
		No. of Senators.	Term of Office.	Qualifications of Senators.	Salary.	Quorum.
KANSAS,	Legisla- ture.	40	4 yrs.	Qualified voter and resident of County or District.	\$3 per day; must not exc'd \$150 per sess'n; mileage.	Majority.
KENTUCKY,	General Assembly.	38	4 yrs.	Age, 30 years. Resident of State 6 yrs. next preceding election, and the last year thereof a resident of District.	\$5 per diem and mileage.	Majority.
LOUISIANA,	General Assembly.	36	4 yrs.	Age, 25 years. Elector who has been a resident of State 5 yrs. and a resident of District or Parish 2 yrs. next preceding election.	\$4 per day..	Majority.
MAINE,	Legisla- ture.	31	2 yrs.	Age, 25 yrs. Citizen of United States 5 yrs. Resident of State 1 yr. and resident of Town or District 3 mos. next preceding election.	\$150.	Majority.
MARYLAND,	General Assembly.	26	4 yrs.	Age, 25 yrs. Citizen of United States. Resident of State 3 yrs. next preceding election, and of County 1 yr. next preceding election.	\$8 per da. for presiding officer; \$5 for others; mileage.	Majority.
MASSACHUSETTS,	General Court.	40	1 yr.	Resident of State 5 yrs. next preceding election and District at time of election.	\$750.	Majority of members.
MICHIGAN,	Legisla- ture.	32	2 yrs.	Citizen of United States and qualified elector.	\$3 per day and mileage.	Majority.
MINNESOTA,	Legisla- ture.	63	4 yrs.	Qualified voter. Resident of State 1 yr. and of District 6 mos. next preceding election.	\$5 per day.	Majority.
MISSISSIPPI,	Legisla- ture.	45	4 yrs.	Age, 25 yrs. Resident of State 1 yr. and actual resident of District. Does not deny existence of Supreme Being.	\$400 for reg. session; \$5 per da. for sp. sess'n.	Majority.
MISSOURI,	General Assembly.	34	4 yrs.	Age, 30 yrs. Male citizen of United States. Been qualified voter of State 3 yrs. and inhabitant of District 1 yr. next preceding election. Have paid a State and County tax within year next preceding election.	\$5 per day.	Majority.
MONTANA,	Legisla- tive Assembly.	24	4 yrs.	Age, 24 yrs. Citizen of United States. Resident of County or District 12 mos. next preceding election.	\$6 per day and mileage.	Majority.
NEBRASKA,	Legisla- ture.	33	2 yrs.	Qualified elector. Resident of District 1 yr. next preceding election.	\$5 per day and mileage.	Majority.
NEVADA,	Legisla- ture.	15	4 yrs.	Qualified elector of County and District.	\$8 per day; not to exceed 50 days.	Majority.
NEW HAMPSHIRE,	General Court.	24	2 yrs.	Age, 30 yrs. Inhabitant of State 7 yrs. next preceding election, and inhabitant of District at time of election.	Presiding officer, \$250; others, \$200; mileage.	13 Members.
NEW JERSEY,	Legisla- ture.	21	3 yrs.	Age, 30 yrs. Voter and resident of State 4 yrs. and County 1 yr. next preceding election.	\$500 per annum; president, $\frac{1}{2}$ extra.	Majority.

THE LOWER HOUSE.

Name.	No. of Members.	Term of Office.	Qualifications of Members.	Salary.	Quorum.	MEETING.	LENGTH OF SESSION.	ORIGIN OF BILLS.
House of Representatives.	110	2 yrs.	Same as Senator.	Same as Senator.	Majority.	Biennial; second Tuesday of January.	Same as Senator's.	In either house.
House of Representatives.	100	2 yrs.	Age 24 yrs. Citizen of United States. Resident of State 2 yrs. next preceding election; and of county, town or city the last yr. thereof.	Same as Senator.	Majority.	Biennial; last Monday of December.	Not longer than 60 days except by a $\frac{2}{3}$ vote of each house.	Same as in Alabama.
House of Representatives.	98	4 yrs.	No provision concerning age, otherwise same as Senator.	Same as Senator.	Majority.	Biennial; second Monday of May.	Not to exceed 60 days.	Same as in Alabama.
House of Representatives.	151	2 yrs.	Age 21 yrs. Other qualifications same as Senator.	Same as Senator.	Majority.	Biennial; first Wednesday of January.	Not limited.	Same as in Alabama.
House of Delegates.	91	2 yrs.	Age 21 yrs. Otherwise same as Senator.	Same as Senator.	Majority.	Biennial; first Wednesday of January.	Not longer than 90 days; special session limited to 30 days.	In either house.
House of Representatives.	240	1 yr.	Resident 1 yr. next preceding election.	Same as Senator.	Maj. of members.	Annual; first Wednesday of January.	Not limited.	Same as in Alabama.
House of Representatives.	100	2 yrs.	Same as Senator.	Same as Senator.	Majority.	Biennial; first Wednesday of January.	In special session members cannot receive pay for more than 20 days.	In either house.
House of Representatives.	119	2 yrs.	Same as Senator.	Same as Senator.	Majority.	Biennial; Tuesday after first Monday of January.	Must not exceed 90 days.	Same as in Alabama.
House of Representatives.	133	4 yrs.	Qualified elector. Actual resident of district, and does not deny existence of Supreme Being.	Same as Senator.	Majority.	Biennial; Tuesday after first Monday of January.	Regular, not limited; special, 30 days.	In either house.
House of Representatives.	140	2 yrs.	Age 24 yrs. Male citizen of United States. Qualified voter of State 2 yrs. and inhabitant of County or District 1 yr. next preceding election. Have paid a State and County tax within yr. next preceding election.	Same as Senator.	Majority.	Biennial; first Wednesday after first day of January.	Seventy days, except revising sessions, when limit is 90 days.	In either house.
House of Representatives.	68	2 yrs.	Age 21 yrs. Otherwise same as Senator.	Same as Senator.	Majority.	Biennial; first Monday of January.	Must not exceed 60 days.	Same as in Alabama.
House of Representatives.	100	2 yrs.	Same as Senator.	Same as Senator.	Majority.	Biennial; first Tuesday in January.	Members cannot receive pay for more than 60 days.	Same as in Alabama.
Assembly.	30	2 yrs.	Same as Senator.	Same as Senator.	Majority.	Biennial; third Monday of January.	Regular session must not exceed 50 days, nor special 20.	In either house.
House of Representatives.	360	2 yrs.	Inhabitant of State 2 yrs. next preceding his election, and inhabitant of Town or District at time of election.	Same as Senator.	Majority.	Biennial; first Wednesday of January.	Not limited.	Same as in Alabama.
General Assembly.	60	1 yr.	Voter of 21 yrs. Citizen and resident of State 2 yrs. and of County 1 yr. next preceding election.	Same as Senator.	Majority.	Annual; second Tuesday in January.	Not limited.	Same as in Alabama.

STATE.	NAME.	THE STATE SENATE.				
		No. of Senators.	Term of Office.	Qualifications of Senators.	Salary.	Quorum.
NEW YORK,	Legisla- ture.	50	2 yrs.		\$1500 per an- num, and mileage.	Majority.
NORTH CAROLINA,	General Assembly.	50	2 yrs.	Age, 25 yrs. Citizen. Resident of State 2 yrs. Shall have usually resided in Dis- trict 1 yr. next preceding election.	Pres. officer \$6 per day; others \$4; mileage.	Majority.
NORTH DAKOTA,	Legisla- tive Assembly.	30 not more than 50	4 yrs.	Age, 25 yrs. Qualified elector in District. Resident of State 2 yrs. next preceding election.	\$5 per diem and mile- age.	Majority.
OHIO,	General Assembly.	36	2 yrs.	Resident of County or District 1 yr. next preceding election.	\$600.	Majority.
OREGON,	Legisla- tive Assembly.	30	4 yrs.	Age, 21 yrs. Citizen of United States. Resident of County or District 1 yr. next preceding election.	\$3 per diem and mile- age.	Two- thirds of house.
PENNSYLVANIA,	General Assembly.	50	4 yrs.	Age, 25 yrs. Citizen and inhabitant of State 4 yrs. and inhabitant of District 1 yr. next preceding election.	\$1500, reg. bi- ennial sess.; mileage 20c. per ml. once each way; \$500 ex. ses.	Majority.
RHODE ISLAND,	General Assembly.	38	1 yr.	Qualified voter.	\$1 per diem and mile- age.	Majority.
SOUTH CAROLINA,	General Assembly.	41	4 yrs.	Age, 25 yrs. Citizen of United States. Resi- dent of State 2 yrs. and County 1 yr. next preceding election. Unconvicted of any infamous crime.	\$4 per day.	Plurality.
SOUTH DAKOTA,	Legisla- ture.	43	2 yrs.	Age, 25 years. Citizen of United States. Qualifie, elector in District. Resident of State 2 yrs. next preceding election.	\$5 per day and mile- age.	Majority.
TENNESSEE,	General Assembly.	33	2 yrs.	Age, 30 yrs. Citizen of United States. Resi- dent of State 3 yrs. and of County or Dis- trict 1 yr. next preceding election.	\$4 per da. for 75 das. & 16c. per ml. once each way.	Two- thirds of house.
TEXAS,	Legisla- ture.	31	4 yrs.	Age, 26 yrs. Citizen of United States. Qual- ified elector of State. Resident of State 5 yrs. and of District 1 yr. next preceding election.	\$5 pr da. first 60 das. \$2 pr day remain- der of sess.	Two- thirds of house.
UTAH,	Legisla- ture.	18	4 yrs.	Citizen, 25 yrs. of age. Three yrs. residence in State.	\$4 per day.	Ten.
VERMONT,	General Assembly.	30	2 yrs.	Age, 30 yrs. Freeman of County.	\$3 per day.	Majority.
VIRGINIA,	General Assembly.	40	4 yrs.	Qualified voter and resident of District at time of election.	\$4 per day; \$360 per ses.	Majority.
WYOMING,	Legisla- ture.		4 yrs.	Qualified voter and resident of District at time of election.		Majority.
ALASKA.				Congress makes all laws for the Territory.		
ARIZONA,						
DIST. OF COLUMBIA,				Congress makes all laws for the Dist. of Columbia.		
NEW MEXICO,	Council.	12	2 yrs.	Qualified voter, 30 years of age.	\$5 per diem.	Majority of members.
OKLAHOMA,	Council.	13	2 yrs.	Citizen.	\$4 per day.	Majority.

THE LOWER HOUSE.						MEETING.	LENGTH OF SESSION.	ORIGIN OF BILLS.
Name.	No. of Members.	Term of Office.	Qualifications of Members.	Salary.	Quorum.			
Assembly.	128	1 yr.		Same as Senator.	Ma- jority.	Annual; first Tuesday in January.	Not limited.	In either house.
House of Representa- tives.	120	2 yrs.	Qualified elector and resi- dent of County 1 yr. next preceding election.	Same as Senator.	Ma- jority.	Biennial; first Wed. after first Monday of January.	At regular sess. not pd. beyond 60 das.; at spec'l not beyond 20.	-----
House of Representa- tives.	60 not more than 140	2 yrs.	Age 21 yrs. Otherwise same as Senator.	Same as Senator.	Ma- jority.	Biennial; first Tuesday after first Monday of January.	Regular session must not ex- ceed 60 days.	In either house.
House of Representa- tives.	114	2 yrs.	Same as Senator.	Same as Senator.	Ma- jority.	Biennial; first Monday of January.	Not limited.	In either house.
House of Representa- tives.	60	2 yrs.	Same as Senator.	Same as Senator.	Two- thirds of house.	Biennial; second Monday in January.	At regular sess. members' pay- ment not exc'd \$120; ex. sess'n must not ex- ceed 20 days.	Same as in Alabama.
House of Representa- tives.	204	2 yrs.	Age 21 yrs. Otherwise same as Senator.	Same as Senator.	Ma- jority.	Biennial; first Tuesday in January.	One hundred and fifty days.	Same as in Alabama.
House of Representa- tives.	72	1 yr.	Qualified voter.	Same as Senator.	Ma- jority.	Annual; last Tues. in May at Newport, then adjourned to Providence.	Not limited.	In either house.
House of Representa- tives.	124	2 yrs.	Age 21 yrs. Otherwise same as Senator.	Same as Senator.	Plural- ity.	Annual; second Tuesday in January.	Forty days.	Same as in Alabama.
House of Representa- tives.	83	2 yrs.	Same as Senator.	Same as Senator.	Ma- jority.	Biennial; first Tuesday after first Mond. of January.	Regular session must not ex- ceed 60 days.	In either house.
House of Representa- tives.	99	2 yrs.	Age 21 yrs. Otherwise same as Senator.	Same as Senator.	Two- thirds of house.	Biennial; first Monday of January.	Seventy-five days.	In either house.
House of Representa- tives.	106	2 yrs.	Age 21 yrs. Citizen of U. S. Qualified elector of State. Resident of State 2 yrs. and of District 1 yr. next pre- ceding election.	Same as Senator.	Two- thirds of house.	Biennial; second Tuesday of January.	Special session must not ex- ceed 30 days.	Same as in Alabama.
House of Representa- tives.	45	2 yrs.	Same as Senator.	\$4 per day.	23	Biennial; even years.	Sixty days.	In either house.
House of Representa- tives.	245	2 yrs.	Resident of State 2 yrs. and of Town 1 yr. next pre- ceding election.	Same as Senator.	Ma- jority.	Biennial; first Wednesday of October.	Not limited.	Same as in Alabama.
House of Delega- tes.	100	2 yrs.	Same as Senator.	Same as Senator.	Ma- jority.	Biennial; first Wednesday of December.	Must not exceed 90 days, unless by a three- fifths vote of each house.	In either house.
House of Representa- tives.								
House of Representa- tives.	24	2 yrs.	Qualified voter, 24 years of age.	\$5 per diem.	Ma- jority.	Biennial; odd years.	Sixty days.	
House of Representa- tives.	26	2 yrs.	Citizen.	\$4 per day.	Ma- jority.	Biennially.	Sixty days.	In either house.

STATE.	NAME.	THE STATE SENATE.				
		No. of Senators.	Term of Office.	Qualifications of Senators.	Salary.	Quorum.
WASHINGTON,	Legislature.	34	4 yrs.	Citizen of United States. Qualified voter of District.	\$5 per day and mileage.	Majority.
WEST VIRGINIA,	Legislature.	26	4 yrs.	Age, 25 yrs. Qualified voter. Citizen of State 5 yrs. next preceding election, and resident of County or District 1 yr. next preceding election.	Pres. officer \$6 pr. day; others \$4; mileage.	Majority.
WISCONSIN,	Legislature.	33	4 yrs.	Resident of State 1 yr. Qualified elector in District.	\$500 ea. regular session and mileage.	Majority.
WYOMING,	Legislature,	-----	-----	-----	-----	-----

THE GOVERNOR.

STATE.	Term of Office.	Qualifications.	Vacancy in Office, how filled.	Salary per annum.
ALABAMA,	2 years.	Age 30 years; citizen of United States 10 years; resident citizen of State at least 7 years next preceding his election.	President of the Senate; after him Speaker of the House.	\$3,000.
ARKANSAS,	2 years.	Age 25 years; citizen of United States 5 years; a resident of the State 1 year next preceding his election and a qualified voter.	By President of the Senate.	\$3,000 and \$600 rent of mansion.
CALIFORNIA,	4 years.	Age 25 years; citizen of the United States and resident of the State 5 years next preceding his election.	By the Lieutenant Governor.	\$6,000.
COLORADO,	2 years.	Age 30 years; citizen of United States and qualified elector; resident of State 2 years next preceding his election.	By the Lieutenant Governor.	\$5,000.
CONNECTICUT,	2 years.	Age 30 years; qualified elector of State.	By the Lieutenant Governor.	\$4,000.
DELAWARE,	4 years.	Age 30 years; citizen and inhabitant of United States 12 years next preceding first meeting of legislature after his election; last 6 of that time an inhabitant of the State.	Speaker of Senate; after him Speaker of House.	\$2,000.

THE LOWER HOUSE.

Name.	No. of Members.	Term of Office.	Qualification of Members.	Salary.	Quorum.	MEETING.	LENGTH OF SESSION.	ORIGIN OF BILLS.
House of Representatives.	78	2 yrs.	Same as Senator.	Same as Senator.	Majority.	Biennial; first Wed. after first Monday of January.	Must not exceed 60 days.	In either house.
House of Delegates.	65	2 yrs.	Same as Senator.	Same as Senator.	Majority.	Biennial; second Wed. of January.	Not exceed 45 days, without concurrence of $\frac{2}{3}$ of each house.	In either house.
Assembly.	100	2 yrs.	Same as Senator.	Same as Senator.	Majority.	Biennial; second Wed. in January.	Not limited.	In either house.
House of Representatives.						Tuesday after first Monday in November.	Forty days.	

AND OTHER STATE OFFICERS.

NAMES.	Terms of Office.	Salaries per annum.	How raised to Office.	Qualifications.
Secretary of State, Auditor, Treasurer, Superintendent of Education, Attorney General, Five Supreme Court Judges,	2 years 2 years 2 years 2 years 2 years 6 years	\$1,800 1,800 2,100 2,250 1,500 3,600 each	Elected by the people.	Age 25 years; citizen of United States 7 years; resident of state 5 yrs. next preceding elect'n.
Secretary of State, Auditor, Treasurer, Attorney General, Commissioner of State Lands, Five Judges of Supreme Court, Seventeen Judges of Circuit and Chancery Courts, Supt. of Public Instruction, Reporter of Supreme Court, Commissioner of Agriculture, Supt. of Penitentiary,	2 years 2 years 2 years 2 years 2 years 8 years 4 years 2 years 6 years 2 years At pleasure of peniten. com.	\$1,800 2,250 2,250 1,500 1,800 3,000 each \$2,000 each 1,600 2,000 1,800 2,250	Elected by the people.	
Financial Agent, Lieutenant Governor,	4 years 4 years	1,800 \$10 pr. da. and mileage during session of legislature	Elected by the people.	
Secretary of State, Treasurer, Comptroller, Attorney General, Surveyor General, Clerk Supreme Court, School Superintendent,	4 years 4 years 4 years 4 years 4 years 4 years 4 years	\$3,000 3,000 3,000 3,000 3,000 3,000 3,000		
Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Supt. of Public Instruction,	2 years 2 years 2 years 2 years 2 years 2 years	\$1,000 3,000 6,000 2,500 3,000 3,000	Elected by the people.	The first and last named officers must be 30 yrs. of age—the others 25; all must be qualified electors; citizens of United States and residents of State 2 years, next preceding elect'n.
Lieutenant Governor, Secretary of State, Treasurer, Comptroller,	2 years 2 years 2 years 2 years	\$ 500 1,500 1,500 1,500	Elected by the people.	
Secretary of State, State Treasurer, Attorney General, Auditor,	As long as term of Gov'r lasts 2 years 5 years 2 years		Appointed. Elected. Elected. Elected.	

STATE.	Term of Office.	Qualifications.	Vacancy in Office, how filled.	Salary, per annum.
FLORIDA,	4 years.	Qualified elector of State; citizen of United States 10 years; and 5 years a citizen and resident of State next preceding his election.	President of Senate; after him Speaker of House.	\$3,500.
GEORGIA,	2 years.	Age 30 years; citizen of United States 15 years; citizen of State 6 years.	President of Senate; after him Speaker of House.	\$3,000.
IDAHO,	2 years.	Age 30 years; citizen of United States; resident of State 2 years next preceding election.	By the Lieutenant Governor.	\$3,000.
ILLINOIS,	4 years.	Age 30 years; a citizen of United States and of State 5 years next preceding election.	By the Lieutenant Governor.	\$6,000.
INDIANA,	4 years.	Age 30 years; citizen of United States 5 years, resident of State 5 years next preceding his election.	By the Lieutenant Governor.	\$5,000.
IOWA,	2 years.	Age 30 years; citizen of United States; resident of State 2 years next preceding election.	By the Lieutenant Governor.	\$3,000.
KANSAS,	2 years.	-----	By the Lieutenant Governor.	\$3,000.
KENTUCKY,	4 years.	Age 35 years; citizen of United States; inhabitant of State 6 years next preceding election.	By the Lieutenant Governor.	\$5,000.
LOUISIANA,	4 years.	Age 30 years; citizen of United States 10 years; and resident of State 10 years next preceding election, must not be a member of Congress, nor hold U. S. office within 6 months preceding election.	By the Lieutenant Governor.	\$4,000.
MAINE,	2 years.	Age 30 years; natural born citizen of United States; resident of State five years at time of election.	By President of Senate, after him Speaker of House.	\$2,000.

NAMES.	Terms of Office.	Salaries, per annum.	How raised to Office.	Qualifications.
Secretary of State,.....	The first 6 officers 4 years.	\$2,000	Circuit Judges are appointed by Governor and State Senate. All others elected by people.	The Judges must be 25 years of age and attorneys at law.
Attorney General,.....	The Judges 6 years.	2,000		
Comptroller,.....		2,000		
Treasurer,.....		2,000		
Supt. of Public Instruction,.....		2,000		
Commissioner of Agriculture,.....		2,000		
Three Supreme Court Justices,.....		3,000 each		
Seven Circuit Judges,.....		2,500 each		
Secretary of State,.....	2 years	\$2,000	Elected by the people.	Citizen of United States 10 yrs.; resident of State 6 years next preceding election; age, 25 years.
Treasurer,.....	2 years	2,000		
Attorney General,.....	2 years	2,000		
Comptroller General,.....	2 years	2,000		
Commissioner of Agriculture,.....	2 years	2,000		
Lieutenant Governor,.....	2 years	\$1,800	Elected by the people.	Citizen of United States; resident of State 2 yrs.; Lieut. Gov. and Attorney General 30 years of age; other officers 25 years of age.
Secretary of State,.....	2 years	1,200		
Auditor of Accounts,.....	2 years	1,000		
Treasurer,.....	2 years	1,000		
Supt. of Public Instruction,.....	2 years	1,500		
Attorney General,.....	2 years	2,000		
Lieutenant Governor,.....	Treasurer 2 yrs.; all others 4 yrs.	\$1,000	Elected by the people.	
Secretary of State,.....		3,500		
Auditor of Public Accounts,.....		3,500		
Treasurer,.....		3,500		
Supt. of Public Instruction,.....		3,500		
Attorney General,.....		3,500		
Lieutenant Governor,.....	4 years	\$1,000	Elected by the people.	
Secretary of State,.....	2 years	6,500		
Auditor,.....	2 years	7,500		
Treasurer,.....	2 years	6,500		
Attorney General,.....	2 years	7,500		
Supt. of Public Instruction,.....	2 years	2,500		
Clerk of Supreme Court,.....	4 years	5,000		
Reporter of Supreme Court,.....	4 years	4,000		
Statistician of Supreme Court,.....	4 years	2,500		
Geologist,.....	2 years	2,500		
Lieutenant Governor,.....	2 years	\$1,100 ea. sess. of leg.	Elected by the people.	
Secretary of State,.....	2 years	2,200		
Auditor of State,.....	2 years	2,200		
Treasurer of State,.....	2 years	2,200		
Supt. of Public Instruction,.....	2 years	2,200		
Clerk of Supreme Court,.....	4 years	2,200		
Reporter of Supreme Court,.....	4 years	2,200		
Attorney General,.....	2 years	4,000		
Three Railway Commissioners,.....	3 years	2,200 each		
Six Judges of Supreme Court,.....	6 years	4,000 each		
Secretary of State,.....	2 years	\$2,500	Elected by the people.	
Attorney General,.....	2 years	2,500		
State Treasurer,.....	2 years	2,500		
Auditor of State,.....	2 years	2,000		
Supt. of Public Instruction,.....	2 years	2,500		
Lieutenant Governor,.....	2 years	\$6 pr. da. dur. sit. of leg., mile. and \$700 pr. yr. as chairman of R. R. Assessors.		
Lieutenant Governor,.....	4 years	\$10 per day on duty	Secretary of State is appointed by Gover'r and Senate. Others elected by people.	Lieut. Gov. same as Gov. Treasurer and Auditor must be 24 yrs. of age, citizens of United States and residents of State 2 years next preceding election.
Auditor,.....	4 years	2,500 and fees		
Attorney General,.....	4 years	500 and fees		
Treasurer,.....	2 years	3,000 and \$700 perquisites		
Supt. of Public Instruction,.....	4 years	\$2,400		
Registrar of Land Office,.....	4 years	2,000		
Secretary of State,.....	4 years	1,500 and fees		
Secretary of State,.....	4 years	\$1,800 and fees	Elected by the people.	
Lieutenant Governor,.....	4 years	\$8 per day during session of legislat.		
Auditor,.....	4 years	\$2,500		
Treasurer,.....	4 years	2,000		
Adjutant General,.....	4 years	2,000		
Land Commissioner,.....	4 years	Fees		
Attorney General,.....	4 years	\$3,500		
Commissioner of Agriculture and Immigration,.....	4 years	2,500		
Seven Councillors,.....	1 year	\$150, and \$2 per day and mileage		
Secretary of State,.....	2 years	\$1,500	First ten are elected by legislature; last three are appointed by governor.	The Councillors must be citizens of United States and residents of State.
Treasurer,.....	2 years	2,000		
Attorney General,.....	2 years	1,500		
Adjutant General,.....	2 years	1,000		
Supt. of Common Schools,.....	2 years	1,500		
Librarian,.....	2 years	1,000		

STATE.	Term of Office.	Qualifications.	Vacancy in Office, how filled.	Salary per annum.
MARYLAND,	4 years.	Age 30 years; citizen of State 10 years; and resident of State 5 years next preceding election, and qualified voter at time of election.	By electors of General Assembly if in session; if not, President of Senate acts during recess.	\$4,500 and furnished mansion.
MASSACHUSETTS,	1 year.	Inhabitant of State 7 years next preceding election.	By the Lieutenant Governor.	\$8,000.
MICHIGAN,	2 years.	Age 30 years; citizen of United States 5 years, and resident of State 2 years next preceding election.	By the Lieutenant Governor.	\$4,000.
MINNESOTA,	2 years.	Age 25 years; citizen of United States; resident of State 1 year next preceding election.	By the Lieutenant Governor.	\$5,000.
MISSISSIPPI,	4 years.	Age 30 years; citizen of United States 20 years; resident of State 5 years next preceding election. Does not deny existence of Supreme Being.	By the Lieutenant Governor.	\$3,500.
MISSOURI,	4 years.	Age 25 years; male, citizen of United States 10 years; resident of State 7 years next preceding election.	By the Lieutenant Governor.	\$5,000.
MONTANA,	4 years.	Age 30 years; citizen of United States and resident of State 2 years next preceding election.	By the Lieutenant Governor.	\$5,000.
NEBRASKA,	2 years.	Age 30 years; citizen of United States, and State 2 years preceding his next election.	By the Lieutenant Governor.	\$2,500.
NEVADA,	4 years.	Age 25 years; qualified elector and citizen, resident of State 2 years next preceding election.	By the Lieutenant Governor.	\$4,000.
NEW HAMPSHIRE,	2 years.	Age 30 years; inhabitant of State 7 years next preceding election.	President of Senate; next Speaker of House.	\$2,000.

NAMES.	Term of Office.	Salaries per annum.	How raised to Office.	Qualifications.
Secretary of State,	As long as app't- ing Gov. serves	\$2,000	Appointed by Governor.	The Attorney General must be a citizen of State and qualified voter, and must have resided and practiced law in State at least 10 years.
Comptroller,	2 years	2,500	Elect. by peop.	
Treasurer,	2 years	2,500	Elect. by legis.	
Attorney General,	4 years	3,000	Elect. by peop.	
Tax Commissioner,	2 years	2,500	Appointed.	
Insurance Commissioner,	2 years	2,500	Appointed.	
Commissioner of Land Office,	2 years	1,500	Appointed.	
Adjutant General,	2 years	1,500	Appointed.	
State Librarian,	2 years	1,500	Appointed.	
Clerk of Court of Appeals,	6 years	3,000	Elect. by the people.	
Lieutenant Governor,	1 year	\$2,000	Elect. by the people.	Residents 5 years next preceding election. Lieut. Gov. 7 years next preceding election.
Secretary of State,	1 year	3,500		
Treasurer and Receiver General,	1 year	5,000		
Auditor,	1 year	3,500		
Attorney General,	1 year	5,000		
Eight Executive Councillors,	1 year	800 each		
Secretary of State,	2 years	\$ 800	Elect. by the people.	
State Treasurer,	2 years	1,000		
Commissioner of Land Office,	2 years	800		
Auditor General,	2 years	3,000		
Attorney General,	2 years	800		
Supt. of Public Instruction,	2 years	1,000		
Lieutenant Governor,	2 years	\$10 per day as Pres. of Senate.	Elect. by the people.	
Secretary of State,	2 years	3,500		
Treasurer,	2 years	3,500		
Auditor and <i>ex-officio</i> Land Com'r,	4 years	3,600		
Attorney General,	2 years	3,500		
Lieutenant Governor,	4 years	As Pres. of Senate, reg. sess. \$500, sp'l sess. \$6 per day.	All officers are elect. by the people.	Lieut. Gov. same as Gov. Following four officers must be 25 yrs. old and citizens of State 1 year next preceding elect'n.
Secretary of State,	4 years	\$2,000		
Auditor,	4 years	2,500		
Treasurer,	4 years	2,500		
Supt. of Public Education,	4 years	2,000		
Attorney General,	4 years	2,500		
Three Railroad Commissioners,	4 years	2,000 each		
Laud Commissioner,	4 years	1,800		
Secretary of State,	4 years	\$3,000	Elect. by the people.	First 5 officers male citi- zens of U. S., 25 yrs. old, res. of State 5 yrs. next prec. elec. Judges citi- zens of U. S. 30 yrs. old, cit'z's of State 5 yrs. next prec. elec. and learned in law. Lieut. Gov. same as Gov.
State Auditor,	4 years	3,000		
State Treasurer,	4 years	3,000		
Attorney General,	4 years	3,000		
Superintendent of Schools,	4 years	3,000		
Three Railroad Commissioners,	6 years	3,000 each		
Five Supreme Court Judges,	10 years	4,500 each		
Lieutenant Governor,	4 years	1,000, and \$7 per day during session	Elect. by the people.	Lt. Gov. and Supt. Pub. Inst. same as Gov.; Sec. of State, Treas. and Aud. 25 years old, otherwise same as Gov. Att'y Gen. same as Gov. and ad. to practice in Sup. Ct. of State and of gd. stdg. Sup. Ct. Judges same as Atty Gen. Dist. Judges same, except 25 yrs. of age and 1 yr. res. of State.
Lieutenant Governor,	4 years	\$10 per diem during session of legisla- ture		
Secretary of State,	4 years			
Treasurer,	4 years	\$3,000		
Auditor,	4 years	3,000		
Attorney General,	4 years	3,000		
Supt. of Public Instruction,	4 years	3,000		
Three Judges Supreme Court,	6 years	4,000 each		
Clerk of Supreme Court,	6 years	2,500		
Eight District Judges,	4 years	3,500 each		
Lieutenant Governor,	2 years	\$10 per day of sess..	Elect. by the people.	
Secretary of State,	2 years	2,000		
Auditor of Public Accounts,	2 years	2,500		
Treasurer,	2 years	2,500		
Supt. of Public Instruction,	2 years	2,000		
Attorney General,	2 years	2,000		
Commissioner of Public Lands, and Buildings,	2 years	2,000		
Lieutenant Governor,	4 years	\$10 per day as Pres. of Sen.; \$8 per da. when act. as Gov.	Elect. by the people.	Lieut. Governor same as Governor. Others qual- ified electors.
Secretary of State,	4 years	3,000		
State Comptroller,	4 years	2,400		
State Treasurer,	4 years	2,400		
State Land Registrar,	4 years	2,400		
Supt. of Public Instruction,	4 years	1,000		
Three Judges of Supreme Court,	6 years	4,500 each		
Attorney General,	4 years	2,000		
Superintendent of State Printing,	4 years	2,000		
Five Councillors,	2 years	\$3 per da. and milea.	First elect. by people, last 3 by General Court.	The Councillors must be qualified same as Sen- ators.
Secretary of State,	2 years	800 and fees		
Treasurer,	2 years	1,800		
Commissary General,	2 years	1,000		

STATE.	Term of Office.	Qualifications.	Vacancy in Office, how filled.	Salary, per annum.
NEW JERSEY,	3 years.	Age 30 years; citizen of the United States 20 years; resident of State 7 years next preceding election.	President of Senate; Speaker of House.	\$10,000.
NEW YORK,	2 years.	Age 30 years; citizen of United States; resident of State 5 years next preceding election.	By the Lieutenant Governor.	\$10,000 and mansion.
NORTH CAROLINA,	4 years.	Age 30 years; citizen of United States 5 years; resident of State 2 years next preceding election.	By the Lieutenant Governor.	\$3,000.
NORTH DAKOTA,	2 years.	Age 30 years; citizen of United States; qualified elector of State, and resident of State 5 yrs. next preceding election.	By the Lieutenant Governor.	\$3,000.
OHIO,	2 years.	-----	By the Lieutenant Governor.	\$8,000.
OREGON,	4 years.	Age 30 years; citizen of United States; resident of State 3 yrs. next preceding election.	Secretary of State; President of Senate.	\$1,500.
PENNSYLVANIA,	4 years.	Age 30 years; citizen of United States and of State 5 years next preceding election.	By the Lieutenant Governor.	\$10,000.
RHODE ISLAND,	1 year.	Qualified elector.	By the Lieutenant Governor.	\$3,000.
SOUTH CAROLINA,	2 years.	Age 30 years; citizen of United States; resident and citizen of State 2 years next preceding election. Does not deny the existence of a Supreme Being.	By the Lieutenant Governor.	\$3,000.
SOUTH DAKOTA,	2 years.	Age 30 years; citizen of United States; qualified elector of State and resident of State 2 yrs. next preceding election.	By the Lieutenant Governor.	\$2,500.

NAMES.	Term of Office.	Salaries per annum.	How raised to Office.	Qualifications.		
Secretary of State,.....	5 years.....	\$6,000.....	Treas. & Compt. elected by legislature; other State officers appointed by the Governor and Senate.			
Treasurer,.....	3 years.....	6,000.....				
Comptroller,.....	3 years.....	6,000.....				
Adjutant General,.....		1,200.....				
Quartermaster General,.....		1,200.....				
State Prison Keeper,.....	5 years.....	3,500.....				
Attorney General,.....	5 years.....	7,000.....	The last two officers are appointed by Governor and Senate; others by the people.	The Lieutenant Governor must have same qualifications as Governor. The State Engineer and Surveyor must be a practical engineer.		
Lieutenant Governor,.....	3 years.....	\$5,000.....				
Secretary of State,.....	2 years.....	5,000.....				
Comptroller,.....	2 years.....	6,000.....				
Treasurer,.....	2 years.....	5,000.....				
Attorney General,.....	2 years.....	5,000.....				
State Engineer and Surveyor,.....	2 years.....	5,000.....				
Seven Judges Court of Appeals,.....	14 years.....	7,000 each.....				
Superintendent of Public Works,.....	Same as appointing Gov.					
Superintendent of State Prisons,.....	5 years.....				Elected by the people.	
Lieutenant Governor,.....	4 years.....	\$4 per day during session of senate.				
Secretary of State,.....	4 years.....	\$2,000.....				
Auditor,.....	4 years.....	1,500.....				
Treasurer,.....	4 years.....	3,000.....				
Attorney General,.....	4 years.....	2,000.....				
Supt. of Public Instruction,.....	4 years.....	1,500.....	Elected by the people.	Lieut. Gov. same as Gov. Sup. Ct. Judges must be 30 yrs. of age, learned in law, citizens of U. S. and residents of State 3 yrs. next preceding election. Dist. Judges must be 25, learned in law, citizens of U. S., residents of State 2 yrs. next preceding election, and qualified voters of dist. Others must be 25 yrs. of age, citizens of U. S. and qualified voters.		
Lieutenant Governor,.....	2 years.....	\$1,000.....				
Secretary of State,.....	2 years.....	2,000.....				
Auditor,.....	2 years.....	2,000.....				
Treasurer,.....	2 years.....	2,000.....				
Attorney General,.....	2 years.....	2,000.....				
Commissioner of Insurance,.....	2 years.....	2,000.....				
Three Railroad Commissioners,.....	2 years.....	2,000.....				
Supt. of Public Instruction,.....	2 years.....	2,000.....				
Commissioner of Agriculture,.....	2 years.....	1,800.....				
Three Supreme Court Judges,.....	6 years.....	4,000 each.....				
Six District Judges,.....	4 years.....	3,000 each.....				
Land Commissioner,.....	2 years.....	1,500.....	Appointed by the Governor.			
State Commissioner,.....	2 years.....	2,000.....				
Lieutenant Governor,.....	2 years.....	\$ 800.....				
Secretary of State,.....	2 years.....	3,000.....				
Auditor,.....	4 years.....	3,000.....				
Treasurer,.....	2 years.....	3,000.....				
Attorney General,.....	2 years.....	3,000.....	Elected by the people.			
Five Supreme Court Judges,.....	5 years.....	4,000.....				
Clerk of Supreme Court,.....	3 years.....	2,000.....				
Commissioner of Com'n Schools,.....	3 years.....	2,000.....				
Three Memb's Board of Pub. Wks.	3 years.....	800.....				
Secretary of State,.....	4 years.....	\$1,500.....				
State Treasurer,.....	4 years.....	800.....		The Judges must be citizens of U. S. and residents of State 3 yrs. next preceding election.		
State Printer,.....	4 years.....	Fees.....				
Supt. Public Instruction,.....	4 years.....	1,800.....				
Three Judges of Supreme Court,.....	6 years.....	3,500 each.....				
Lieutenant Governor,.....	4 years.....	\$3,000.....				
Auditor General,.....	3 years.....	3,000.....				
State Treasurer,.....	2 years.....	5,000.....	First four officers elected by the people; other officers by the Governor and Senate.			
Secretary of Internal Affairs,.....	4 years.....	3,000.....				
Secretary of Commonwealth,.....	4 years.....					
Attorney General,.....	4 years.....	3,500.....				
Supt. of Public Instruction,.....	4 years.....					
Insurance Commissioner,.....	3 years.....	3,000 and fees.....				
Commissioner of Banking,.....	4 years.....	6,000.....				
Secretary of Agriculture,.....	4 years.....	3,500.....				
Adjutant General,.....	4 years.....	4,000.....				
Factory Inspector,.....	3 years.....	3,000.....				
Lieutenant Governor,.....	1 year.....	\$ 500.....			Elected by the people.	Qualified voters.
Secretary of State,.....	1 year.....	3,000.....				
Attorney General,.....	1 year.....	4,000.....				
General Treasurer,.....	1 year.....	2,500.....				
Secretary of State,.....	2 years.....	\$1,900.....	Elected by the people.			
Comptroller General,.....	2 years.....	1,900.....				
Superintendent of Education,.....	2 years.....	1,900.....				
Treasurer,.....	2 years.....	1,900.....				
Attorney General,.....	2 years.....	1,900.....				
Adjutant and Inspector General,.....	2 years.....	1,200.....				
Superintendent of Penitentiary,.....	2 years.....	1,900.....	Elected by the people.			
Secretary of State,.....	2 years.....	\$1,800.....				
State Auditor,.....	2 years.....	1,800.....				
State Treasurer,.....	2 years.....	1,800.....				
Superintendent of Schools,.....	2 years.....	1,800.....				
Commissioner of School Lands,.....	2 years.....	1,800.....				
Attorney General,.....	2 years.....	1,000.....				

STATE.	Term of Office.	Qualifications.	Vacancy in Office, how filled.	Salary, per annum.
TENNESSEE,	2 years.	Age 30 years; citizen of United States; citizen of State 7 years next preceding election.	Speaker of Senate; after him Speaker of House.	\$4,000.
TEXAS,	2 years.	Age 30 years; citizen of United States; resident of State 5 years next preceding election.	Lieutenant Governor; next President of Senate.	\$4,000.
UTAH,	4 years.	Citizen, 30 years of age; 5 years residence in State.	Secretary of State.	\$2,000.
VERMONT,	2 years.	Resident of State 4 years next preceding election.	By the Lieutenant Governor.	\$1,500.
VIRGINIA,	4 years.	Age 30 years; citizen of United States for 10 years and of State 3 years next preceding election.	By the Lieutenant Governor.	\$5,000.
WASHINGTON,	4 years.	Citizen of United States; qualified voter of State.	Lieutenant Governor; next Secretary of State.	\$4,000.
WEST VIRGINIA,	4 years.	Age 30 years; citizen of State 5 years next preceding election.	If vacancy occurs before expiration of first 3 yrs. of term a new election takes place. Otherwise Pres. of Senate acts.	\$2,700.
WISCONSIN,	2 years.	Citizen of United States; qualified elector of State.	By the Lieutenant Governor; next Secretary of State.	\$5,000.
WYOMING,	4 years.	-----	-----	\$2,500.
ALASKA,	4 years.	-----	Appointed by President.	\$3,000.
ARIZONA,	-----	-----	-----	-----
DIST. OF COLUMBIA,	3 years.	Executive functions discharged by a Board of Three Commissioners.	-----	\$5,000.
NEW MEXICO,	4 years, or opt'n of Pres.	Qualified citizen of United States.	Appointed by President.	\$2,600.
OKLAHOMA,	4 years.	Decided by President who appoints.	Appointed by President.	\$2,600.

NAMES.	Term of Office.	Salaries, per annum.	How raised to Office.	Qualifications.
Five Supreme Judges,	8 years	\$3,500 each	Judges elected by	Sup. Judges 35 yrs. of age
Secretary of State,	4 years	3,000	the people; Sec.,	and resid'ts of State 5 yrs.
Comptroller,	2 years	3,500	Comp. & Treas. by	before election. Sup't of
Treasurer,	2 years	5,000	Legis.; Atty. Gen.	Schools of literary and
Attorney General,	8 years	3,000	by Supreme Ct.;	scientific attainm'ts and
State Supt. of Public Instruction,	2 years	1,995	State Sup't app'd	skilled and experienced
			by Gov. & Senate.	in the art of teaching.
Lieutenant Governor,	2 years	\$5 per da. dur. sess.	All are elected by	Lieut. Gov. same as Gov.
Attorney General,	2 years	4,000	the people except	The Judges must be 30
Treasurer,	2 years	2,500	Secretary of	yrs. of age, citizens of
Comptroller,	2 years	2,500	State, who is ap-	U. S. and State, and
Commis'r of General Land Office,	2 years	2,500	pointed by the	practicing lawyers or Judges
Supt. of Public Instruction,	2 years	2,500	Governor and	of court in State 7 years.
Three Supreme Court Judges,	6 years	3,500 each	Senate.	
Three Judges Court of Appeals,	6 years	3,500 each		
Secretary of State,	As long as	2,000		
	apt'g Gov.			
Secretary of State,	4 years	\$2,000	Elected by the	Same as Governor.
Attorney General,	4 years	1,500	people.	" except 25 yrs. of age.
State Auditor,	4 years	1,500		" " no age restrict'n.
State Treasurer,	4 years	1,000		" " " "
Supt. of Public Instruction,	4 years	1,500		" " " "
Three Justices of Supreme Court,	6 years	3,000 each		" and must be member
				of bar and learned
Lieutenant Governor,	2 years	\$6 per da. dur. sess.	First four are	in the law.
Secretary of State,	2 years	1,700	elected by the	
Treasurer,	2 years	1,700	people, last four	
Auditor of Accounts,	2 years	2,000	by General As-	
Adjutant and Inspector General,	2 years	1,000	sembly.	
Quartermaster General,	2 years	600		
Seven Supreme Court Judges,	2 years	3,000		
Superintendent of Schools,	2 years	2,000		
Lieutenant Governor,	4 years	\$ 900	First two elected	
Attorney General,	4 years	2,250	by the people.	
Auditor,	2 years	2,750	Others by the	
Second Auditor,	2 years	1,300	Legislature.	
Secretary of Commonwealth,	2 years	2,000		
Treasurer,	2 years	1,500		
Supt. of Public Instruction,	4 years	1,800		
Railroad Commissioner,	2 years	2,500		
Lieutenant Governor,	4 years	\$1,000	Elected by the	Citizen of U. S. and quali-
Secretary of State,	4 years	2,500	people.	fied voter of State.
Treasurer,	4 years	2,000		
Auditor,	4 years	2,000		
Attorney General,	4 years	2,000		
Supt. of Public Instruction,	4 years	2,500		
Commissioner of Public Lands,	4 years	2,000		
Auditor,	4 years	\$2,000 and fees	First four elected	
Treasurer,	4 years	1,400	by the people.	
State Supt. of Free Schools,	4 years	1,500	Last four ap-	
Attorney General,	4 years	1,300	pointed by Gov-	
Secretary of State,	4 years	1,000 and fees	ernor.	
Adjutant General,	4 years	1,200		
Commissioner of Labor,	4 years	1,200		
Chief Mine Inspector,	4 years	1,200		
Lieutenant Governor,	2 years	\$1,000		Qualified voter.
Secretary of State,	2 years	5,000		
State Treasurer,	2 years	5,000		
Attorney General,	2 years	3,000		
Superintendent of Education,	2 years	1,200, exp. & clerk.		
Railroad Commissioner,	2 years	3,000		
Commissioner of Insurance,	2 years	3,000		
All officials appointed by Pres.,				
Board appoints Health Officer,				
Sanitary Inspector and Clerks,				
Secretary,	Opt. of Pres.	\$1,800 and fees	Secretary appt'd	Qualified voter.
Solicitor General,	2 years	2,000	by the President;	
Librarian,	2 years	720	others appointed	
Auditor,	2 years	3,000	by the Governor.	
Treasurer,	2 years	2,500		
Supt. of Penitentiaries,	2 years	2,000		
Supt. of Public Instruction,	2 years	2,500		
Adjutant General,	Opt. of Gov.	500		
Coal Oil Inspector,	2 years	Fees; max. \$2,000		
Secretary,	2 years	\$1,800	Appointed.	Citizen.
Attorney General,	2 years	1,500		
Supt. of Public Instruction,	2 years	2,000		
Auditor,	2 years	1,500		
Librarian,	2 years	1,000		
Treasurer,	2 years	1,500		
Bank Examiner,	2 years	1,000		
Oil Inspector,	2 years	Fees		

PRESIDENTS OF THE UNITED STATES.

No.	PRESIDENT.	STATE.	TERM OF OFFICE.	VICE-PRESIDENT.
1	George Washington...	Virginia	Two terms; 1789-1797	John Adams.
2	John Adams	Massachusetts ..	One term; 1797-1801 ...	Thomas Jefferson.
3	Thomas Jefferson.....	Virginia	Two terms; 1801-1809 .. }	Aaron Burr.
4	James Madison.....	Virginia	Two terms; 1809-1817 .. }	George Clinton.
5	James Monroe.....	Virginia	Two terms; 1817-1825	George Clinton.
6	John Quincy Adams..	Massachusetts ..	One term; 1825-1829.....	Elbridge Gerry.
7	Andrew Jackson	Tennessee.....	Two terms; 1829-1837 .. }	Dan'l D. Tompkins.
8	Martin Van Buren....	New York	One term; 1837-1841	John C. Calhoun.
9	William H. Harrison..	Ohio	One month; 1841.....	John C. Calhoun.
10	John Tyler*.....	Virginia	3 yrs. and 11 mos.; 1841-1845	Martin Van Buren.
11	James K. Polk.....	Tennessee.....	One term; 1845-1849	Rich'd M. Johnson.
12	Zachary Taylor.....	Louisiana	1 yr. and 4 mos.; 1849-1850	John Tyler.
13	Millard Fillmore*.....	New York	2 yrs. and 8 mos.; 1850-1853	George M. Dallas.
14	Franklin Pierce	New Hampshire	One term; 1853-1857.....	Millard Fillmore.
15	James Buchanan	Pennsylvania...	One term; 1857-1861.....	William R. King.
16	Abraham Lincoln	Illinois	1 term and 1 mo.; 1861-65 }	J. C. Breckinridge.
17	Andrew Johnson*	Tennessee.....	3 yrs. and 11 mos.; 1865-1869	Hannibal Hamlin.
18	Ulysses S. Grant.....	Illinois	Two terms; 1869-1877 .. }	Andrew Johnson.
19	Rutherford B. Hayes..	Ohio	One term; 1877-1881.....	Schuyler Colfax.
20	James A. Garfield	Ohio	6 months and 15 days; 1881	Henry Wilson.
21	Chester A. Arthur*....	New York	3 yrs. 5 mos. 15 days; 1881-85	Wm. A. Wheeler.
22	Grover Cleveland.....	New York	First term; 1885-1889.....	Chester A. Arthur.
23	Benjamin Harrison....	Indiana.....	One term; 1889-1893.....	Thos. A. Hendricks.
24	Grover Cleveland.....	New York.....	Second term; 1893-1897...	Levi P. Morton.
25	William McKinley.....	Ohio	1897-	A. E. Stevenson.
				G. A. Hobart.

*Succeeded to the Presidency on the death of the President.

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